

Subdivision#2024-00003
635 Upland Place

Application	General Data	
Request: Public hearing and consideration of a request for a subdivision with variations to re-subdivide an existing lot into two lots.	Planning Commission Hearing:	June 4, 2024
	Approved Plat must be Recorded By:	December 4, 2025
Address: 635 Upland Place	Zone:	R-5/Residential
Applicant: Windmill Hill LLC represented by M. Catharine Puskar, attorney	Small Area Plan:	Taylor Run/Duke Street

Staff Recommendation: APPROVAL subject to compliance with all applicable codes, ordinances, and recommended conditions found in Section III of this report.

Staff Reviewer: Sam Shelby, sam.shelby@alexandriava.gov

PLANNING COMMISISON ACTION, JUNE 4, 2024: On a motion by Commissioner Lyle, seconded by Commissioner Manor, the Planning Commission moved to approve SUB #2024-00003. The motion carried on a vote of 6 to 1 with Commissioner Koenig voting against.

Reason: The Planning Commission generally agreed with the staff analysis. Commissioner Koenig did not find that the applicant had demonstrated a substantial injustice.

Discussion:

Commissioner Manor asked the applicant how invasive species would be removed. The applicant clarified that they would be removed following an invasive species plan as part of the grading plan submission.

Commissioner Koenig asked staff to outline all redevelopment options available on the subject property and whether approval of a subdivision with variations creates complying lots. Staff explained that Zoning Ordinance section 12-900, relating to developed substandard lots, applies to the existing property and any changes to, or redevelopment of, the property would have to follow these provisions. Staff confirmed that approval of a subdivision with variations results in complying, not substandard lots, and that redevelopment would be subject to the R-5 zone's use permissions and bulk regulations. Commissioner Koenig also asked staff to clarify the R-5 zone's frontage requirement. Staff confirmed that the R-5 zone frontage requirement is 40 feet not 50 feet as was written in the staff report.

Commissioner Koenig did not find that applicant had demonstrated a substantial injustice as there are other redevelopment options available if the subdivision were denied.

Commissioner Lyle expressed support for the request because it would result in dwellings that would be compatible in terms of size with the neighboring dwellings. She also found that the subdivision, if approved, would have less impact than other redevelopment options of the lot than those available without subdivision approval. Ms. Lyle also explained that the wetland could be placed in an easement and suggested that a group like the Nature Conservancy may have interest in such an arrangement.

Chair Macek spoke in support of the request. He generally found the required criteria to be met. He reiterated that subdivision reviews are limited to lot configuration and not eventual development. He found that the elimination of the on-street parking to be appropriate given that the primary purpose of streets is to provide access to properties.

Vice Chair McMahon also acknowledged the limitations of the Planning Commission's review of subdivision requests. She explained that stormwater and other concerns would be addressed as development activity occurred and goes through the required City permitting process. Vice Chair McMahon found that the subdivision would result in development that would be more consistent with the neighborhood than redevelopment of the existing lot. She observed that the substantial injustice argument encompasses more than financial considerations. She explained that any other lot in the R-5 zone would not be required to be nearly as large as the existing lot to be eligible for a two-lot subdivision. Vice Chair McMahon found that strict application would create a substantial injustice by indirectly establishing the existing lot size as a minimum lot size for the subject property. She found that applying this minimum lot size to the subject property would be unfair as it is much larger than the minimum lot size required by the zone and the lot sizes of adjacent lots.

Commissioner Brown found that the subdivision ordinance could be clarified to better define substantial injustice and rugged topography. He felt that the existing terms could use clarification. Commissioner Brown also explained that subdivision reviews are limited to lot shape, size, and orientation and should not be based on conceptual or hypothetical development. Commissioner Brown found that the applicant demonstrated the required criteria for approval.

Speakers:

Christine Beinhacker, 715 Upland Place, spoke in opposition to the request. She found the proposal would not be in keeping with the neighborhood. Ms. Beinhacker expressed concerns about frontage and fire department access, loss of on-street parking spaces, and stormwater. She stated that any development of the subject property would exacerbate stormwater issues. Ms. Beinhacker also stated that the proposal would increase the existing lot's noncompliance and asked the Planning Commission to consider the existing driveway as frontage.

Eve Anderson, 707 Upland Place, found that the special circumstance relating to "extremely rugged topography" not to be met. She submitted a report provided for the applicant's engineer which stated the property had "gentle to moderate" topography.

Marcia Argust, 612 South View Terrace, spoke in opposition to the request. She claimed that the applicant misrepresented the views of the neighbors and that the process lacked “good faith problem solving.” Ms. Argust explained that the neighbors do not want additional housing located on the subject property; citing a petition submitted and signed by nearly all adjacent property owners. Ms. Argust did not feel that the wetland nor the applicant’s return on investment should be used as justification for a substantial injustice. She asked Planning Commission to consider requiring the applicant to reduce the size and footprint of the conceptual dwellings.

Elizabeth McGill, Taylor Run Citizens’ Association Vice President, spoke in opposition to the request and raised concerns about flooding, safety, loss of on-street parking, wetland protection, the subject property’s historical significance, and loss of green space.

William Kalish, 610 South View Terrace, spoke in opposition and did not agree with staff’s assessment that the proposal would be consistent with existing development. He stated that the proposal would not be consistent with the immediate neighborhood, nearby properties located at the end of cul-de-sacs, or other lots with insufficient frontage in the City. Mr. Kalish also mentioned stormwater concerns.

Kevin Parks, 719 Upland Place, spoke in opposition; finding that the proposal would not be in the best interest of adjacent neighbors. Mr. Parks said that the subdivision would create negative impacts and would exacerbate stormwater issues.

Jared Backous, 619 Upland Place, spoke in opposition to the request. He was very concerned about the loss of on-street parking spaces.

Colleen Broderick, 623 Upland Place, spoke in opposition. She found that the proposed lot would be irregularly shaped, oriented, and would be out of character with the neighborhood. Ms. Broderick was concerned about the loss of on-street parking, emergency vehicle access, and additional traffic on Upland Place. She was also concerned about the safety of visitors to the adjacent City park.

Thomas Knight, 623 Upland Place, spoke in opposition to the request; finding that conceptual dwellings to be too large and that the configuration of the lots would be out of character with the neighborhood.

Marge McNaughton, 720 Upland Place, expressed concerns about ecological and environmental impacts. She said that the subject property had been undisturbed for years, creating a habitat for diverse wildlife. Ms. McNaughton stated that development of the subject property would displace and disrupt wildlife.

Dave Beinhacker, 715 Upland Place, found that the special circumstance, relating to irregular shape of the parcel, did not apply to the subject property.

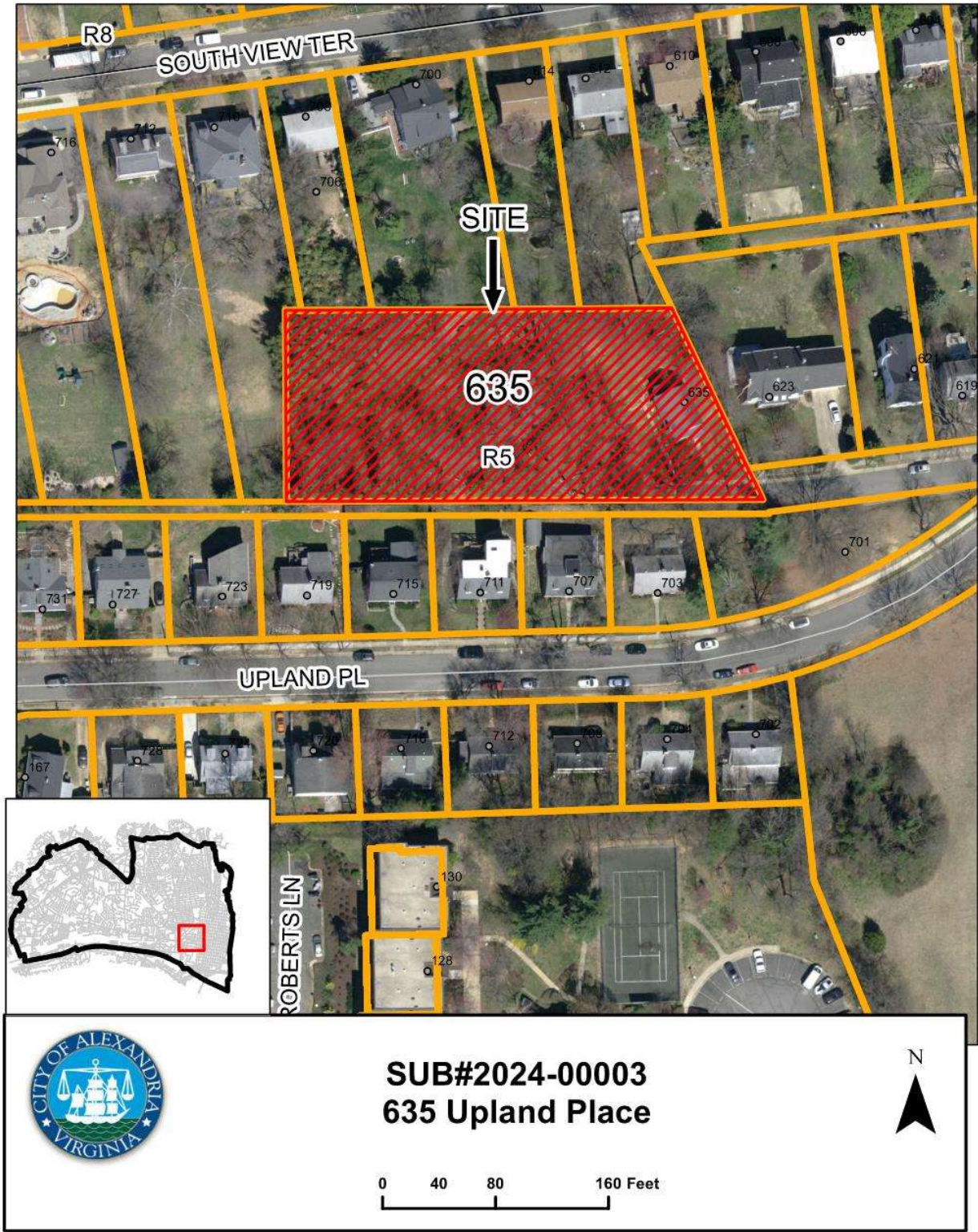
Ruth McCormack, 723 Upland Place, did not feel that the applicant had met the required criteria. She felt that all City properties have unique circumstances and that the subject property’s did not amount to a substantial injustice. Ms. McCormack cited what she felt as a mischaracterization in

the staff report related to stormwater runoff. She explained that a significant amount of stormwater flows directly to her property. In general, Ms. McCormack was very concerned about stormwater based on years of flooding damage to her property.

M. Catharine Puskar, attorney representing the applicant, outlined her rationale for how the proposal met the required approval criteria. She explained that the property has been taxed at a higher rate than adjacent properties which indicates that it's a developable lot suitable for subdivision. Ms. Puskar stated that the proposed lots would be consistent with the original subdivision in terms of configuration and shape. She also explained how the subject property met the special circumstance relating to insufficient frontage on a substandard street. Ms. Puskar also found that the special circumstance relating to rugged topography existed on the subject property.

Ms. Puskar also noted an error in the staff report which stated the R-5 zone's minimum lot frontage requirement to be 50 feet. The R-5 zone's minimum lot frontage requirement is 40 feet.

Ms. Puskar compared the size of the conceptual dwellings to the existing dwellings within the original subdivision. She found that the conceptual dwellings would be similarly sized to these dwellings. Ms. Puskar also stated that the size of the buildable area of the subject property would be similar to the surrounding lot sizes.



I. DISCUSSION

The applicant, Windmill Hill LLC, represented by M. Catharine Puskar, attorney, requests subdivision approval with variations to re-subdivide an existing lot located at 635 Upland Place. The applicant proposes two lots that would not meet the R-5 zone’s minimum lot frontage and width requirements.

SITE DESCRIPTION

The subject property, featured in Figures 1 and 2, below, contains one irregularly shaped, substandard, developed lot of record located at 635 Upland Place. The existing lot has a lot size of 41,573 square feet and 22.06 feet of frontage on Upland Place. This portion of Upland Place dead ends at the subject property’s front lot line. Although Upland Place terminates at the front lot line, the curb extends along the subject property’s driveway 77 feet past the front lot line into the existing lot. The subject property is within the R-5/Residential zone and is substandard as its frontage is 17.94 feet short of the R-5 zone’s minimum 50-foot frontage requirement.

A private alley used to run along the subject property’s southern lot line. It was never improved for alley purposes. On January 10, 2024, the Alexandria Circuit Court granted the owners of 707, 711, 715, and 719 Upland Place ownership rights to portions of the alley directly adjacent to each of their properties. These portions of the alley were consolidated with the adjacent lots as shown in Figure 3, below. The courts have not determined the ownership rights of the remaining portion of the alley which runs along 703 Upland Place and the City-owned park. A single-unit dwelling, constructed circa 1940, currently occupies the subject property.

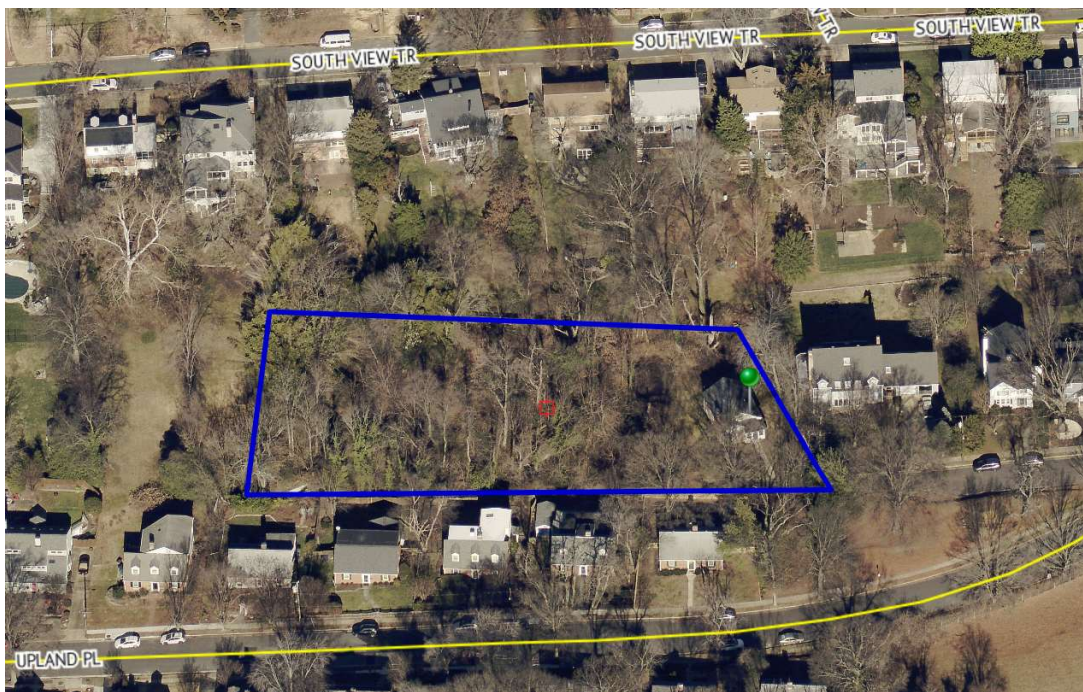


Figure 1 – Subject property (outlined in blue)

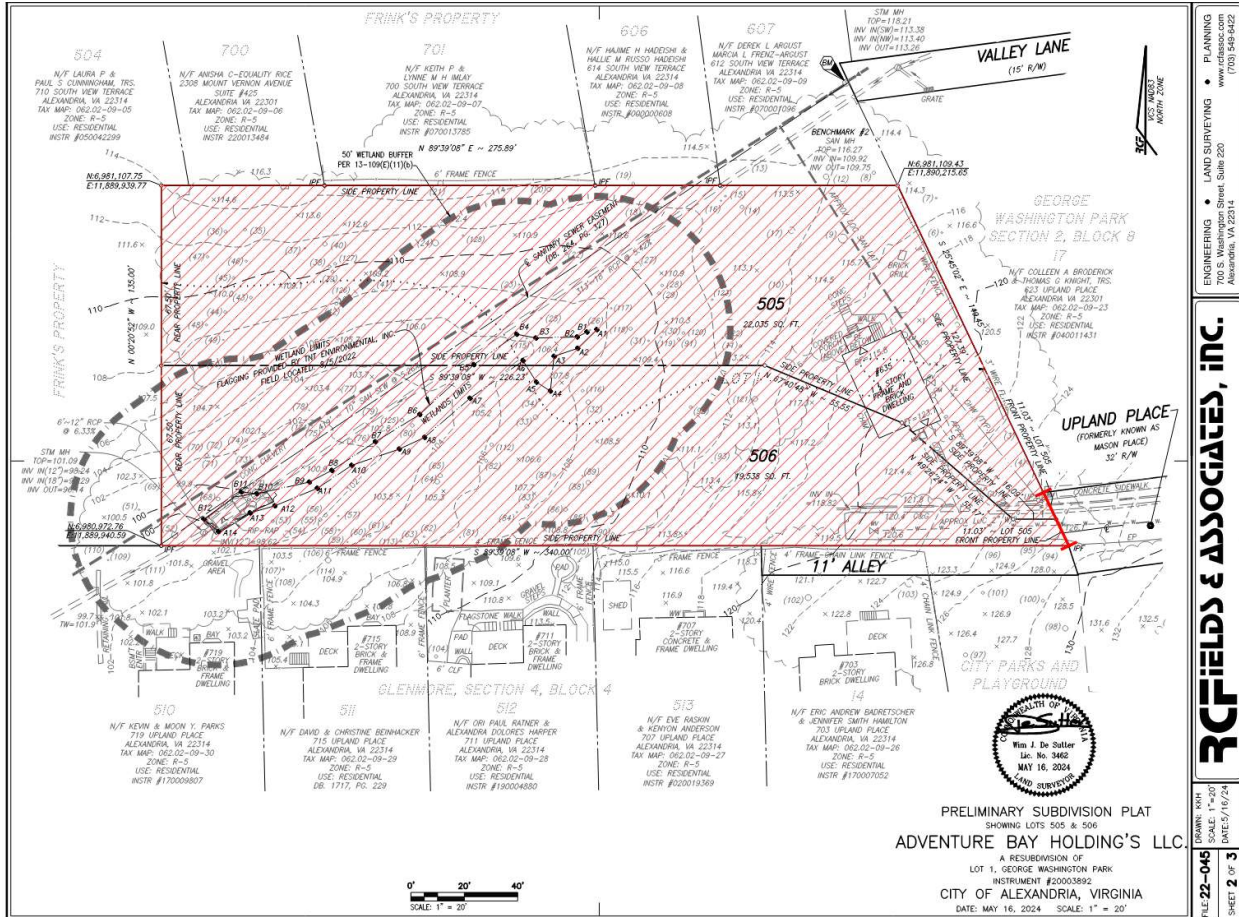


Figure 2 – Existing lot (frontage shown with red I-shaped line in bottom right)

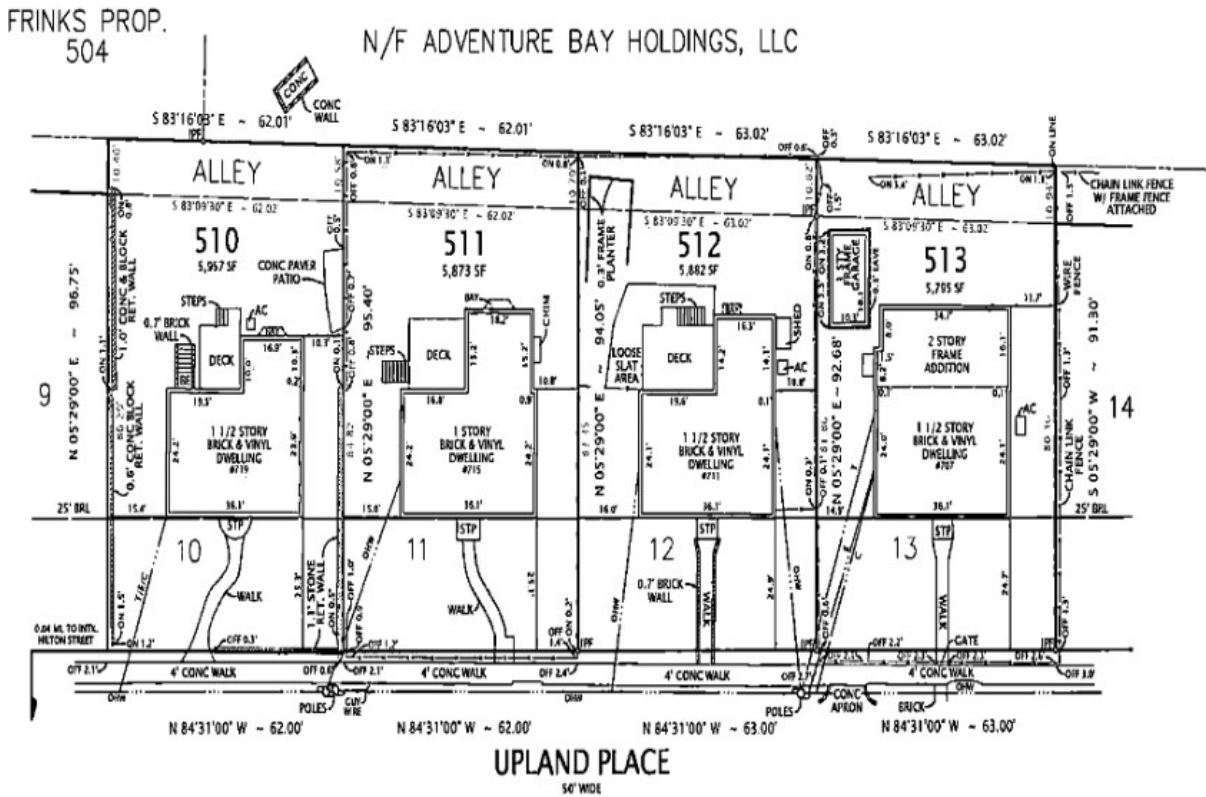


Figure 3 - Alley consolidation with adjacent properties

An isolated wetland shown in blue in Figure 4, below, occupies the subject property’s western half. Zoning Ordinance section 13-109(E)(11) requires both protection of this feature from direct stormwater runoff and preservation of its water quality functions. To meet this requirement, a 50-foot vegetated buffer must be established and maintained. The buffer area is shown in green in Figure 4, below, occupies approximately 20,546 square feet (49 percent) of the subject property. Section 13-109(E)(11) severely limits development of any kind within the wetland buffer. Generally, these provisions only allow conservation/preservation measures and passive recreational activities.

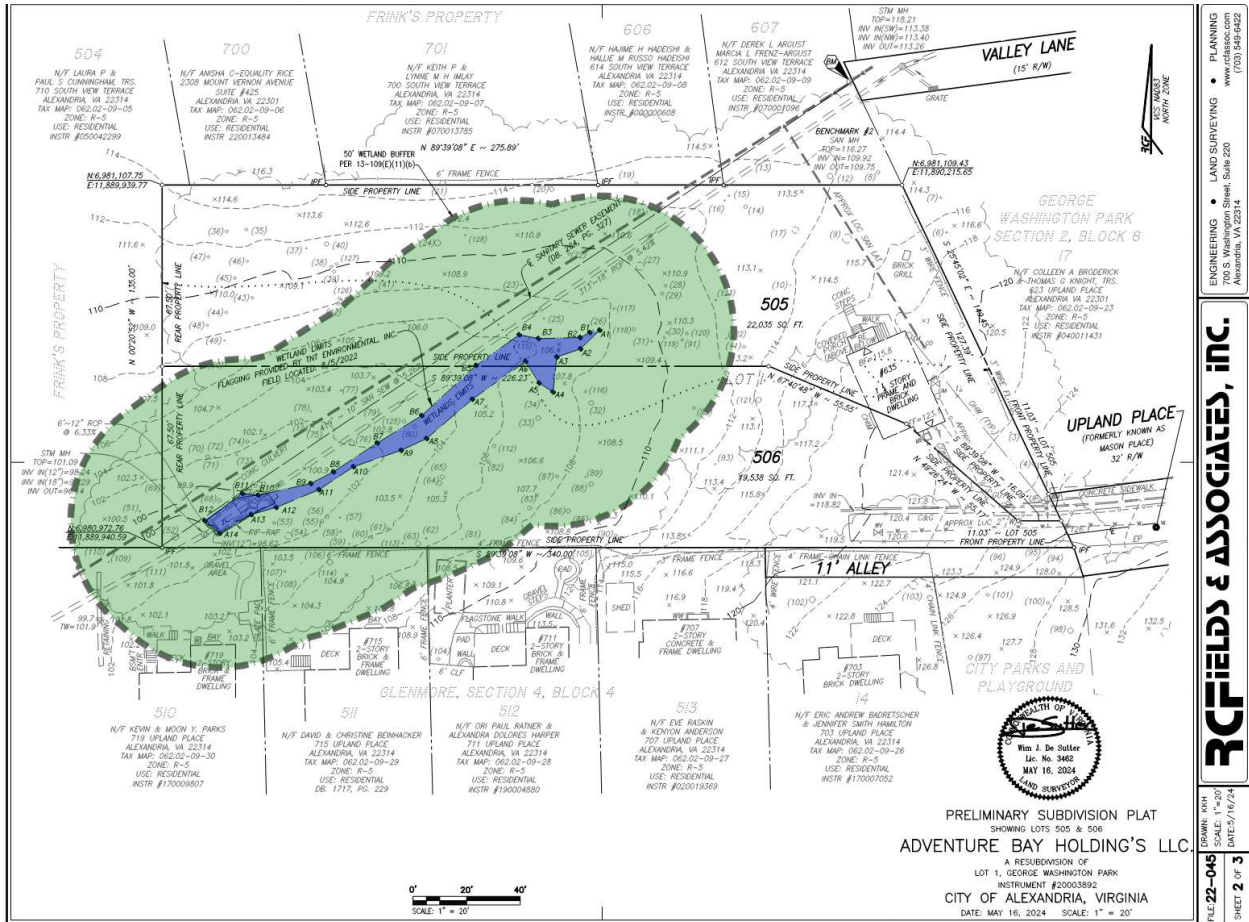


Figure 4 – Wetland and required buffer area

The subject property also has varied topography. East-to-west, the property slopes downward approximately 26 feet. On the eastern half, the lot is relatively flat from north-to-south. Its western half, however, slopes downward north-to-south approximately 14 feet.

SUBDIVISION BACKGROUND

The original subdivision, of which the subject property was part, was established on October 1, 1908, in Fairfax County prior to the City's annexation of the area. City records indicate that the subject property was created in its current configuration when it was re-subdivided from the original subdivision on September 22, 1933. Figure 5, below, dated August 22, 1938, shows the first re-subdivision of the original subdivision area including the subject property.

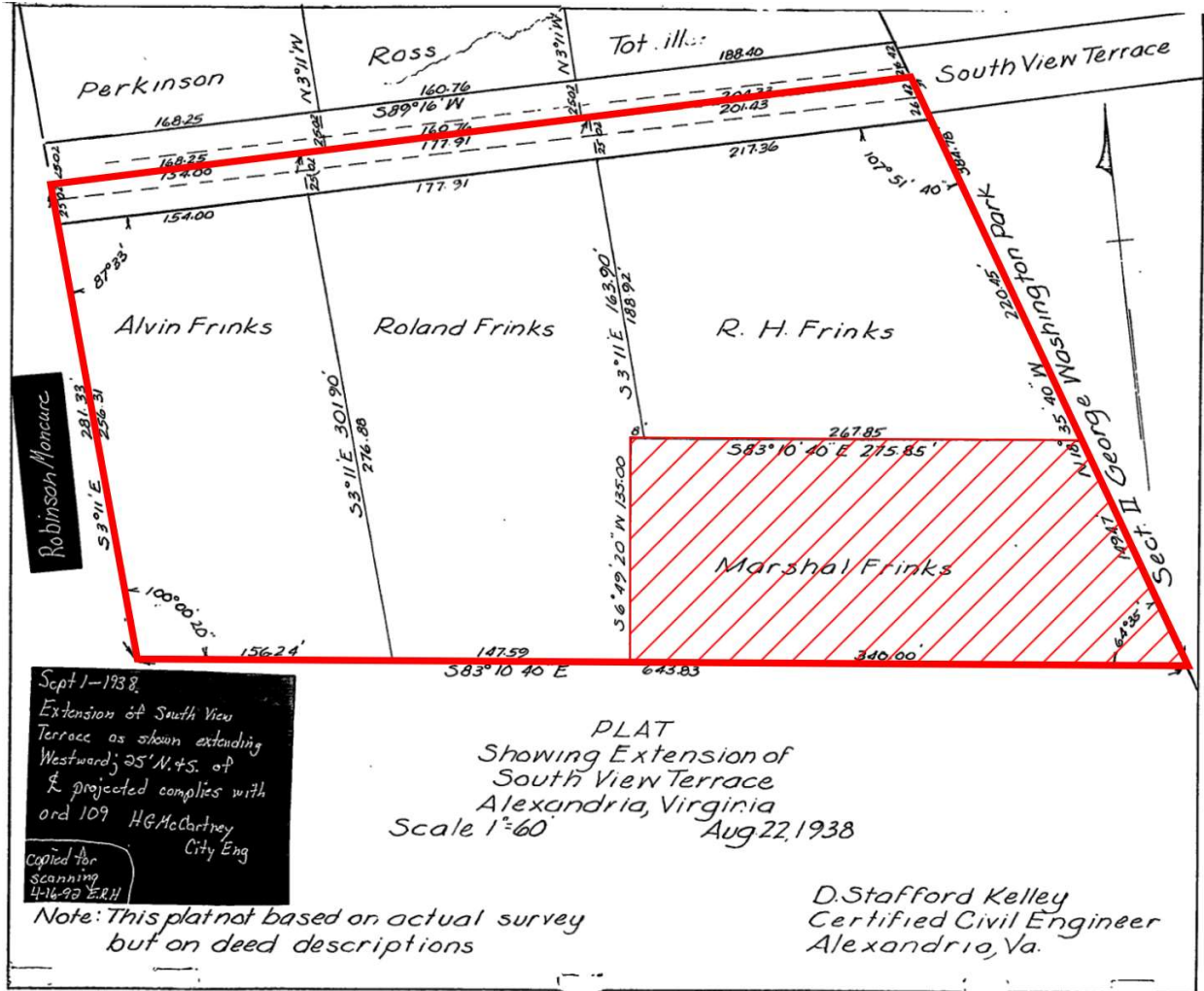


Figure 5 – Original subdivision area (outlined in red, subject property hatched in red)

Over time, Planning Commission approved several re-subdivisions within the original subdivision area that created the abutting lots in their current configuration along South View Terrace, shown in figure 6, below. The subject property was never re-subdivided again after 1933.

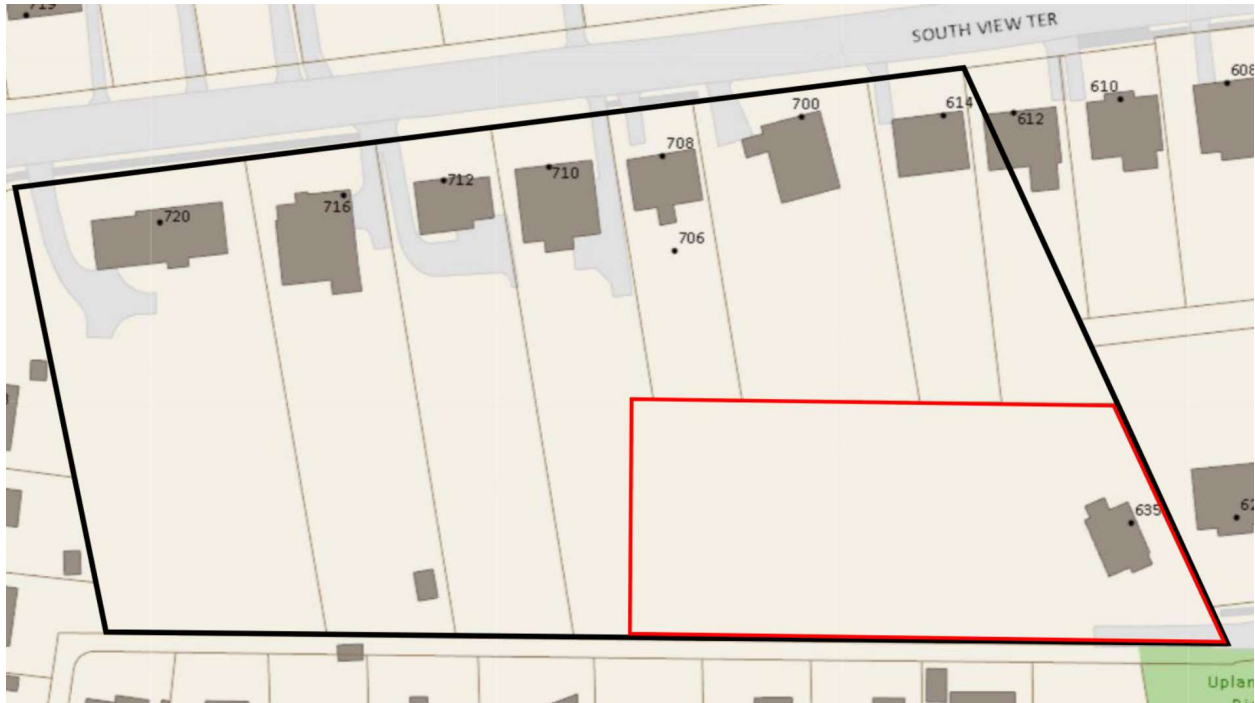


Figure 6 – Original subdivision area (outlined in black, subject property outlined in red)

In early 2022, the applicant submitted a concept development site plan (DSP) with subdivision to extend Upland Place into the subject property. The proposal included the development of four single-unit dwellings all with frontage on a cul-de-sac extension of Upland Place. It was during the concept reviews that the applicant identified the wetland. The applicant subsequently withdrew the DSP proposal and submitted the current request on February 27, 2024.

PROPOSAL

The applicant requests approval to re-subdivide the existing lot into two new lots (505 and 506). Each lot would split the existing frontage along Upland Place and each would have 11.03 feet of frontage. Proposed Lot 505 would have a lot size of 22,035 square feet. Proposed Lot 506 would have a lot size of 19,538 square feet. The proposed lots would be irregularly shaped and are shown in figure 6, below. The applicant intends to demolish the existing dwelling and construct a single-unit dwelling on each new lot. The new dwellings would be subject to the R-5 zone maximum height and floor area ratio (FAR) and minimum yard requirements.

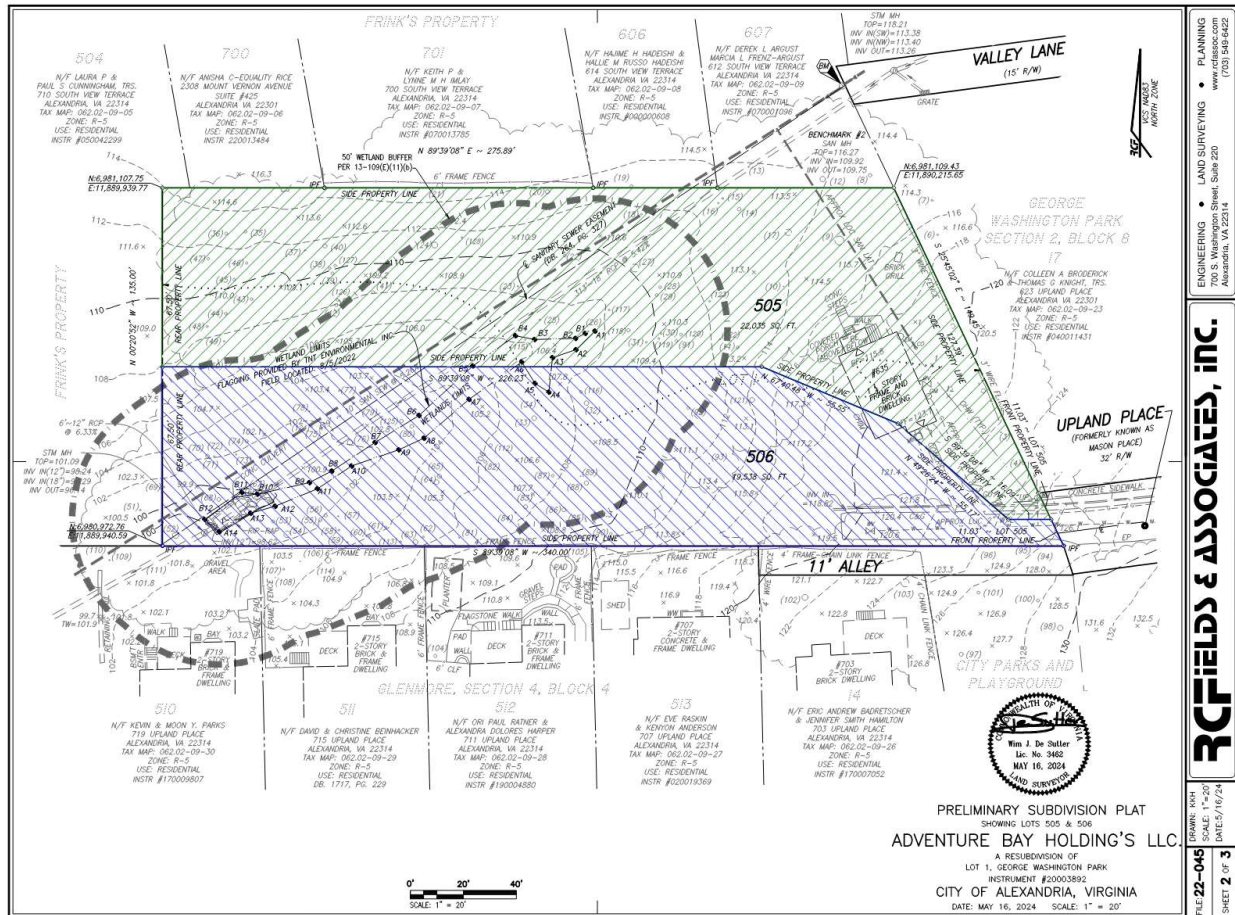


Figure 6 – Proposed Lots (lot 505 in green, lot 506 in blue)

ZONING/ MASTER PLAN DESIGNATION

The subject property is zoned R-5/Residential. The proposed lots would not meet the R-5 zone’s 40-foot frontage requirement as the existing property has only 22.06 feet of frontage on Upland Place. The proposed lots would not meet the R-5 zone’s minimum width requirement either. The proposed configuration, which creates insufficient lot widths, is necessary for both lots to provide frontage on Upland Place.

The Planning Commission may only approve a subdivision that would create lots with insufficient frontage and width if they also approve variations from these requirements. Zoning Ordinance section 11-1713 establishes the variation procedure and criteria as follows:

- (A) The commission may, by vote of a majority of its members, authorize specific variations from the provisions of this section 11-1700, when the commission finds that
 - (i) strict adherence to such provisions would result in substantial injustice
 - (ii) the use and character of the resulting lots or parcels in such a subdivision would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the immediate area; and
 - (iii) one or

more of the following special circumstances exists:

- (1) Extremely rugged topography.
 - (2) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.
 - (3) 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.
 - (4) Streets along border of the subdivision where the subdivision borders on unsubdivided land and the remaining street width will be provided from adjacent land.
 - (5) 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.
- (B) As used in this section, "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.
- (C) The applicant shall have the burden of establishing each element required for the grant of a variation.

All future development of the proposed lots would be required to comply with all applicable provisions of the Zoning Ordinance. A summary of all applicable zoning requirements can be found in Table 1, below.

Table 1 – R-5 Zoning Requirements

	Required/ Permitted	Existing	Proposed	
			Lot 505	Lot 506
Lot Size	5,000 Sq. Ft.	41,573 Sq. Ft.	22,035 Sq. Ft.	19,538 Sq. Ft.
Width	50 Ft.	64.5 Ft.	27.1 Ft.	26.3 Ft.
Frontage	40 Ft.	22.06 Ft.	11.03 Ft.	11.03 Ft.
Front Yard	20 Ft.	48.3 Ft.	Future development required to comply with all R-5 zoning requirements.	
Side Yard (North/East)	7 Ft., 1:3 ratio	42.8 Ft.		
Side Yard (East)	7 Ft., 1:3 ratio	25.6 Ft.		
Rear Yard	7 Ft., 1:1 ratio	255.3 Ft.		
Floor Area	0.45	~0.03		

The property is located within the Taylor Run/Duke Street Small Area Plan (SAP) Chapter of the Alexandria Master Plan, which designates the area for low-density residential uses consistent with the R-5 zoning regulations. The proposed lots would comply with the SAP as they would be suitable for low-density residential uses.

II. STAFF ANALYSIS

Staff recommends approval of the applicant's request for a re-subdivision with variations. The proposed re-subdivision of the lots would comply with all subdivision requirements except [Sections 11-1710\(B\)\(3\) and 11-1710\(D\)](#). These provisions require new lots to comply with the R-5 zone's minimum frontage and width requirements. The applicant requests variations pursuant to section 11-1713 from these provisions. Staff found that the applicant's request meets the variation criteria. Staff analysis follows.

COMPLIANCE WITH SUBDIVISION REQUIREMENTS GENERALLY

Staff determined that proposed re-subdivision would meet all subdivision requirements established by [section 11-1710](#), except the provisions which require proposed lots to have complying frontage and width. The new lots would have sufficient access for emergency services, utilities, and off-street parking/maneuvering despite their insufficient frontages. Both lots would be suitable for residential uses and structures permitted by the R-5 zone. The lots would meet the minimum lot size requirement and could be developed with single-unit dwellings that comply with the zone's bulk and open space requirements.

COMPLIANCE WITH SUBDIVISION CHARACTER REQUIREMENTS

The original subdivision includes 635 Upland Place (subject property), 612, 614, 700, 708, 710, 712, 716, and 720 South View Terrace shown in Figure 6, above. The amendments to the original subdivision over time generally created lots with smaller sizes, widths, and frontages than those of the original lots. Although all the other lots within the original subdivision were re-subdivided, the existing lot's size, shape, configuration, and lot lines have never been changed.

None of the lots within the original subdivision are similarly situated to the subject property in terms of lot size, width, or frontage as they all have smaller lot sizes, complying widths, and complying frontages on a different street. These lots all have frontage on South View Terrace while the subject property only has frontage on Upland Place. The similar characteristics shared with the subject property are their orientations, alignment to the street, and that they are within the R-5 zone.

LOT ANALYSIS

Staff's lot analysis includes the aforementioned lots within the boundaries of the original subdivision. Table 2 below shows how the proposed lots compare to these lots in terms of width, frontage, and size.

Table 2 – Lot Analysis

	Width	Frontage	Size
Existing Lot	64.5 Ft.	22.06 Ft.	41,573 Sq. Ft.
Proposed Lot 505	27.1 Ft.	11.03 Ft.	22,035 Sq. Ft.
Proposed Lot 506	26.3 Ft.	11.03 Ft.	19,538 Sq. Ft.
612 South View Terrace	55.00 Ft.	55.00 Ft.	10,797 Sq. Ft.
614 South View Terrace	54.65 Ft.	54.65 Ft.	9,435 Sq. Ft.
700 South View Terrace	99.95 Ft.	99.95 Ft.	17,712 Sq. Ft.
708 South View Terrace	50.05 Ft.	50.05 Ft.	8,369 Sq. Ft.
710 South View Terrace	65.05 Ft.	65.05 Ft.	13,390 Sq. Ft.
712 South View Terrace	65.05 Ft.	65.05 Ft.	18,883 Sq. Ft.
716 South View Terrace	75.06 Ft.	75.06 Ft.	20,908 Sq. Ft.
720 South View Terrace	128.98 Ft.	128.98 Ft.	34,172 Sq. Ft.

The proposed lots would be more in character with the lots within the original subdivision area than the existing lot in terms of lot size. Because the Zoning Ordinance establishes maximum dwelling size based on the size of a lot, the proposed smaller lot sizes would allow for substantially the same character as to suitability for residential uses and structures. Basically, because the proposed lots are closer in size to the other lots, the new houses would be more appropriate in scale with the established neighborhood. The existing lot would permit a 18,707 square-foot dwelling. Proposed lot 505 and 506 would permit 9,915 and 8,792 square-foot dwellings, respectively.

Further, the proposed lots would be in character with the established neighborhood in terms of lot orientation and alignment to street. All the lots within the original subdivision area are roughly rectangularly shaped with the short ends acting as the properties’ front and rear lot lines. They are all significantly deeper than they are wide. The proposed lots would mirror these orientations.

The proposed lots would each provide less frontage and width than the existing lot which requires variation approval pursuant to section 11-1713. Staff analysis of the variation standard follows.

VARIATIONS

The applicant proposes lots that would not meet the R-5 zone’s frontage and width requirements, as required by sections 11-1713(B)(3) and 11-1713(D). 11-1713(B)(3) states the following:

No resubdivision shall be approved which results in the creation or the continuation of a lot, building or structure which does not comply with the provisions of this ordinance, unless the commission expressly authorizes a variation pursuant to section 11-1713 of this ordinance.

Section 11-1713(D) includes a similar regulation which reads as follows:

The subdivision shall conform to the requirements of the zone in which the subdivision is situated.

The applicant has requested variations from these provisions. The applicant states that a substantial injustice occurs by precluding a two-lot subdivision on land that would otherwise be suitable for more than two lots if not for the nontidal wetland and required buffer area. The applicant also finds that the substantial injustice "...outweighs the land use or land development purposes served by strict adherence to the frontage and lot width regulations especially as the originally created lot does not meet the frontage requirement and has not negatively impacted the neighborhood."

The applicant also states that the use and character of the proposed lots would not be inconsistent with the R-5 zone's use provisions or the existing neighborhood character. The proposed lots would be developed with single-unit dwellings and single-unit dwellings surround the subject property. The proposed lots would be narrow and deep and would be oriented perpendicularly to the lot frontage, similar to other lots in the neighborhood.

Finally, the applicant states that three special circumstances exist on the subject property:

- (1) Extremely rugged topography.
- (2) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.
- (3) 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.

Staff generally agrees with the applicant's conclusions. [Pursuant to 11-1713\(A\)](#), strict application of the ordinance, requiring 50 feet of frontage and width for each new lot, would not allow for the subject property to be re-subdivided. This would preclude the development of the subject property with more than one single-unit dwelling despite having a lot size eight times greater than the minimum required by the R-5 zone for single-unit dwellings. Staff considers this to be an unreasonable burden on development of the subject property. Staff also finds this burden would outweigh the land use purposes of minimum lot frontage and width requirements.

Generally, the land use purpose of a minimum lot frontage requirement is to ensure that a property provides sufficient access for utilities, vehicles, and first responders. The existing frontage would allow for a shared driveway way that provides sufficient access to each lot.

The minimum lot frontage requirement also discourages lots located at the dead ends of streets that are substandard in width. Instead, the requirement indirectly encourages cul-de-sac re-subdivisions at these locations. The benefits of this land use purpose here are somewhat elusive. Particularly because the subject property's configuration and existing insufficient frontage have been part of the established neighborhood and streetscape for decades without negative impacts.

Minimum lot width requirements ensure that lots are wide enough to accommodate buildings and provide appropriate setbacks. The proposed lots would taper significantly toward their front lot lines. These shapes are necessary for each lot to have access to the existing substandard street frontage. Although the proposed lots would not meet the technical lot width requirement, the general land use purpose of the lot width requirement would be upheld. Each lot would provide more than 50 feet of lot width at the proposed building site which would exceed the minimum lot

width required. This lot width measurement would be compatible with the lots in the original subdivision. The existing lot is also wide enough that, when re-subdivided, would accommodate lots that would allow the dwellings to be roughly side-by-side. If the existing lot were narrower, one of the proposed dwellings would have to be sited behind the other.

Staff finds that the proposed lots would not be inconsistent with the use provisions of the R-5 zone. The R-5 zone permits single-unit dwellings and the applicant proposes lots that would be suitable for single-unit dwellings.

As stated in section II, under “compliance with subdivision character requirements,” above, staff found that the proposed lots would be consistent with the existing development in the immediate area. Further, if not for the wetland and required buffer, the subject property could be developed similarly to 314 and 318 Moncure Drive and 318 and 319 Lamond Place. All these properties are located at the end of dead-end streets. In these cases, a cul-de-sac was constructed to allow these properties to meet minimum frontage requirements.

Staff finds that the existing lot has rugged topography pursuant [to section 11-1713\(A\)\(1\)](#). Given the land contours of the surroundings, a significant amount of stormwater runs through the subject property. Most of the stormwater from adjacent properties flows to the subject property and collects in and around the wetland area. The estimated boundaries of this drainage area are shown below in figure 7.



Figure 7 – Approximate drainage area

Though the subject property has an irregular shape, staff does not find that it prevents conformance with lot frontage requirements pursuant to [section 11-1713\(A\)\(2\)](#). Upland Place (formerly Mason Place) always dead-ended at the subject property and no other streets were ever platted alongside the subject property, increasing its frontage. Section 11-1713 only requires the Planning Commission find that one of the special circumstances listed exists.

The subject property's insufficient frontage and Upland Place's substandard street width make up the basis for the special circumstance established by [section 11-1713\(A\)\(3\)](#). The existing street is 30 feet wide and current provides access to four lots: the subject property and 619, 621, and 623 Upland Place. With the applicant's proposal, five lots would be served by this portion of Upland Place.

Overall, staff agrees with the applicant's conclusions related to the variation standards. All required elements has been established so staff finds that the Planning Commission may authorize the requested variations.

NEIGHBORHOOD OUTREACH AND COMMENTS

The applicant held virtual community meetings with neighbors on March 7 and May 21. Staff notified the Taylor Run Citizens' Association of the request on March 5 and provided updated application materials on May 3. Staff also met with the applicant and neighbors at the subject property on May 13. Staff also

The surrounding neighbors have expressed concerns about flooding, stormwater runoff, loss of wildlife habitat, loss of tree canopy, impacts to off-street parking, and neighborhood compatibility. The purpose of the subdivision regulations are limited to "...orderly division of land for development..." pursuant to section 11-1701. If approved, future development would require grading plan review and approval. Through this process, stormwater runoff and other environmental concerns would be addressed. In general, however, concerns related to natural features (habitat, tree canopy, etc.) are outside the purview of subdivision reviews.

III. CONCLUSION

In summary, the proposed would adhere to all subdivision and variations requirements. Subject to the conditions contained in Section II of this report, staff recommends approval of the re-subdivision request.

IV. 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)
2. The final subdivision plat shall include deed book (DB) and page number (PG) for adjacent Glenmore Block 4, Section 4 subdivision. (Survey)
3. The final subdivision plat shall include a legend including line types (such as existing sanitary sewer lines for instance). (Survey)
4. The final subdivision plat shall include information for existing Subdivision. For instance, the DB/PG of the subdivision that created the existing lot. (Survey)
5. The applicant shall install “no parking” signs on both sides of Upland Place in the area shown on Exhibit C submitted May 21, 2024 to the satisfaction of the Chief Fire Marshall. (Fire)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services
Sam Shelby, Principal Planner

Staff Note: This plat will expire 18 months from the date of approval (December 5, 2022) unless recorded sooner.

V. CITY DEPARTMENT COMMENTS

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

Real Estate Assessments:

No comments received.

Transportation & Environmental Services:

F-1 DROW and stormwater management have no comments.

F-2 Survey approves preliminary plat submission. (Survey)

R-1 Include deed book (DB) and page number (PG) for adjacent Glenmore Block 4, Section 4 subdivision on final plat. (Survey)

R-2 Include legend including line types (such as existing sanitary sewer lines for instance) on final plat. (Survey)

R-3 Include information for existing Subdivision. For instance, the DB/PG of the subdivision that created the existing lot on the final plat. (Survey)

S-1 Consider a pedestrian connection (for residents) to the sidewalk on Upland Place. (Transportation Planning)

Code Enforcement:

No comments.

Fire:

R-1 The applicant shall install “no parking” signs on both sides of Upland Place in the area shown on Exhibit C submitted May 21, 2024 to the satisfaction of the Chief Fire Marshall. (Fire)

Recreation, Parks & Cultural Activities:

No comments received.

Police Department:

No comments received.

Archaeology:

No archaeological oversight will be necessary for this subdivision.

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 4, 2024

TO: CHAIR NATHAN MACEK
AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL W. MORITZ, DIRECTOR
DEPARTMENT OF PLANNING & ZONING

SUBJECT: DOCKET ITEM #8 – SUB #2024-00003 – 635 UPLAND PLACE

This memorandum responds to letters received after completion of the staff report. To date, staff has received several letters and a petition from nearby residents related to the subdivision request. The letter writers and petition signers raise several concerns with the proposal. Staff’s response follows.

I. Applicable Zoning Ordinance sections:

The existing lot is substandard because it does not meet the R-5 zone’s minimum lot frontage requirement. If the applicant were proposing an addition, to replace the existing dwelling, or to redevelop the property in its existing configuration, [section 12-900](#) would apply. However, because the applicant is proposing a subdivision, the only relevant section of the Zoning Ordinance is [11-1700](#). If the variations are approved, the lots would be considered complying and would not be subject to Article XII (noncompliance and nonconformity).

II. Previous submissions, staff comments, and application completeness:

The applicant originally submitted a concept development site plan (DSP) and subdivision (SUB) in 2023. While there is some overlap, the Zoning Ordinance establishes different review criteria for DSPs than it does for SUBs. For this reason, and the fact that the application changed materially, many of the previous comments are no longer relevant to the current request.

The applicant submitted a subsequent request on February 27, 2024 for a SUB and a special use permit (SUP) for a lot without frontage. Staff determined the application and supporting materials to be complete on March 5, 2024. The applicant did not provide a business license because the City Code [section 9-1-71](#) does not require attorneys with offices outside City limits to obtain a City business license.

The February 27, 2024 submission, one of the proposed lots did not have frontage on Upland Place, necessitating the SUP. In response, on April 3, 2024, staff suggested that the applicant consider a request for a subdivision with variations and extending the Upland Place right-of-way (ROW) into the subject property to create two lots with frontage. This proposal was contingent on the applicant dedicating a portion of the subject property to the City. This portion would then have been combined with what staff thought at the time to be a public alley. Taken together, both portions of the public alley and subject property would have provided sufficient width for the street extension.

Subsequently, staff learned of litigation related to the alley's ownership (see staff report page three, second paragraph under "site description"). Because of the litigation, staff determined the current proposal to be the most feasible approach. Further, given the wetland and required buffer area, a street extension would still not allow the applicant to provide lots with complying frontages and widths.

The applicant then resubmitted the current request on May 2, 2024.

III. Stormwater, flooding, and wetland concerns:

Subdivision regulations provide for the orderly division of land for development or transfer of ownership and for an accurate system of recording land division and ownership. As such, no provisions of the subdivision ordinance address stormwater or flooding issues. The proposed lot lines would not affect stormwater runoff. If approved, the subdivision would not allow for any additional impervious surfaces than would otherwise be permitted on the existing lot. Stormwater and flooding concerns as well as wetland preservation requirements will be addressed in subsequent City approvals including the grading plan. These concerns are not relevant to the subdivision application.

The wetland does, however, establish one of the special circumstances required for variation review. The topography of the lot and surrounding area is rugged enough to have formed an isolated wetland on the subject property. This presence establishes one of the special circumstances, "extremely rugged topography," required by [section 11-1713\(A\)\(iii\)](#).

IV. Lot configuration and compatibility analysis

Staff followed [section 11-1710\(B\)](#) to determine which lots should be included in the lot character analysis. This section states "lots covered by a re-subdivision shall be of substantially the same character... as other land within the original subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision." The original subdivision area is shown in Figures 5 and 6 of the staff report. Figure 6 shows "...amendments to the subdivision over time..." as required by [section 11-1710\(B\)\(1\)](#). The lots within the Glenmore subdivision, 703 through 739 Upland Place are not within the same original subdivision as the subject. These lots are immediately adjacent to the subject property to the south and are also zoned R-5 but do not share the same features as to be "...essentially similar to the original subdivision area" as

required by [section 11-1710\(B\)\(2\)](#). The lots have frontage on Upland Place, like the subject property, but have significantly smaller lot sizes than all the other lots in the original subdivision. If these lots were within the required area of comparison, the proposal would still increase compatibility in terms of lot size because the applicant proposes smaller lots than that of the existing lot.

While each lot would have about 11 feet of street frontage, access to these properties would be shared across the entire frontage of both properties, totaling 22 feet. As stated in the staff report on page 13, the subject property's configuration and insufficient frontage has been part of the established neighborhood since the lot was created. Additionally, staff found that the proposal would generally increase compatibility with other lots in the original subdivision as stated on pages 11 and 12 in the staff report. The proposal mirrors, as closely as is feasible given the constraints of both the subject property and its surrounding, the lots located at the end of Moncure Drive (318 and 314) and Lamond Place (318 and 319).

Given the foregoing, staff does not find that the creation of two lots from the existing lot to be "inconsistent... with the existing development in the immediate area" as required by [section 11-1713\(A\)\(1\)](#).

V. Size and location of new dwellings

No changes to the conceptual proposal showing the proposed size or location of the new dwellings would affect the required approvals. Lot width and frontage are measured at static locations irrespective of building placement or size.

As stated on page 12 of the staff report, the subdivision, if approved, would result in smaller houses than what is currently permitted at the subject property's existing size. In general, because the amount of land is not changing, the total buildable square footage is not changing. If approved, however, the maximum buildable square footage would be split proportionally between the two lots.

VI. Applicant's justification for variations

Staff determined that the applicant has demonstrated a substantial injustice as defined by [section 11-1713\(B\)](#). Staff analysis can be found on pages 12 through 14 under the section entitled "Variations." In general, strict application, requiring lots with complying widths and frontages, precludes any subdivision whatsoever as the subject property could not be re-subdivided to create lots with complying frontage and width. Further, as stated in the staff report, the land use purposes of the lot width and frontage requirements are generally upheld by the proposal.

VII. Impacts to on-street parking along Upland Place "spur"

[Section 11-1710\(A\)](#) states that "all subdivisions shall be planned to... give access to firefighting apparatus..." The existing "spur" of the Upland Place ROW is 32 feet wide and substandard as to City street requirements. The roadway also tapers from where it

branches off of Upland Place to its dead-end at the subject property. Because the roadway narrows, no-parking zones need to be established to ensure adequate access for emergency services. Regardless of subdivision approval, this area should not be used for on-street parking as it could inhibit access to the subject property.

Staff has not identified any neighborhood concerns that could be appropriately addressed through the subdivision regulations. Staff finds no changes that could be made to the application nor conditions imposed by the Planning Commission to address these concerns either. Staff continues to recommend approval of the request.



APPLICATION

SUBDIVISION OF PROPERTY

SUB # _____

PROPERTY LOCATION: _____

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT:

Name: _____

Address: _____

PROPERTY OWNER:

Name: _____

Address: _____

SUBDIVISION DESCRIPTION _____

THE UNDERSIGNED, hereby applies for 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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 his/her knowledge and belief.

Walsh, Colucci, Lubeley & Walsh PC

Print Name of Applicant or Agent

Mailing/Street Address

City and State Zip Code

Signature

Telephone # Fax #

Email address

Date

ALL APPLICANTS MUST COMPLETE THIS FORM.

The applicant is: *(check one)*

the Owner Contract Purchaser Lessee or Other: _____ of the subject property.

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 three percent.

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. N/A
- 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 three 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.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three 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.		
2.		
3.		


3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are 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. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here.](#)

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.		
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.

_____ _____ 
 Date Printed Name Signature

Adventure Bay Holdings, LLC
2001 Kirby Drive, Suite 1200
Houston, Texas 77019

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Consent to File applications for a Subdivision and Special Use Permit
635 Upland Place, Alexandria, VA 22301, Tax Map No. 062.02-09-24 (the
“Property”)

Dear Mr. Moritz:

Adventure Bay Holdings, LLC, as owner of the above-referenced Property, hereby consents to the filing of applications for a Subdivision and Special Use Permit on the Property and any related requests by Windmill Hills, LLC.

Very truly yours,

Adventure Bay Holdings, LLC

By: DocuSigned by:
Francis Q Hoang
F7BB0D3511874E1...
Its: officer
Date: 2/26/2024

APPLICANT OWNERSHIP BREAKDOWN

Owner of 635 Upland Place (TM No. 062.02-09-24)

Adventure Bay Holdings, LLC (Title Owner)

2001 Kirby Drive, Suite 1200
Houston, Texas 77019

Member:	Percent Ownership:
Francis Q. Hoang	100%

Applicant of 635 Upland Place (TM No. 062.02-09-24)

Windmill Hill, LLC

2401 Mt. Vernon Avenue, Unit B
Alexandria, VA 22301

Member:	Percent Ownership:
James Michael Dameron	50%
Misty Leigh Dameron	50%

Note: None of the entities listed above have a business or financial relationship with any member of the Board of Architectural Review, Board of Zoning Appeals, City Council, or Planning Commission as defined by Section 11-350 of the Zoning Ordinance.

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

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

PROJECT NAME: _____

PROJECT ADDRESS: _____

DESCRIPTION OF REQUEST:

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, up to the June 4, 2024 Planning Commission hearing.

Date: _____

Applicant

Agent

Signature: *McGaskar*

Printed Name: _____

STATEMENT OF JUSTIFICATION

The Applicant, Windmill Hill, LLC, requests approval of a subdivision of a single lot into two (2) new buildable lots with variations necessitated by special circumstances associated with the property located at 635 Upland Place (the “Property”).

In the way of background, the Property contains 43,560 sf of site area, is zoned R-5 and contains one single-unit dwelling. The existing lot has 22.06 ft of frontage along the 32 ft Upland Place right-of-way serving it and three neighboring lots. Both the existing frontage and right-of-way width were in existence when the Property was carved out of the parent tract (described under Deed Liber T-8, Page 339 and recorded in the Land Records of Fairfax County) per metes and bounds under DB 114 PG 456, dated September 22, 1933, recorded in the Land Records of City of Alexandria. Subsequent to the carving out of the Property from the parent tract, additional subdivisions of the surrounding Frinks property occurred over time to create the lots south of South View Terrace. (See Exhibit A). In addition, subdivision of the lots on the north side of South View Terrace have also occurred over time.

On April 15, 2022, the Applicant submitted a Development Site Plan Concept Plan for the development of four single-unit dwellings on the Property, which included the creation of four lots in conformance with the subdivision and R-5 lot requirements in the Zoning Ordinance, including, but not limited to, the extension of Upland Place and adequate lot frontage and lot width for the proposed lots. However, subsequent to filing the Concept Plan, it was determined that an isolated wetland was located on the Property. Although the minor isolated wetland could be removed based on existing VA DEQ and Army Corps of Engineers standards, the City of Alexandria’s Zoning Ordinance includes more stringent provisions that result in the requirement to preserve the isolated wetland and limit intrusion into the surrounding buffer area. As a result of this requirement as well as neighbors’ expressed desire for the Applicant to reduce the number of units on site from four to two, the Applicant revised its plans and is now requesting approval of a subdivision of the Property into two lots. However, due to special circumstances associated with the Property, the Applicant is requesting variation of the lot frontage and lot width for the two new lots pursuant to section 11-1713 of the Zoning Ordinance.

Section 11-1713 allows the Planning Commission, by vote of a majority of its members, to authorize specific variations from the subdivision provisions set forth in section 11-1700, when the Commission finds that i) strict adherence to such provisions would result in substantial injustice, ii) the use and character of the resulting lots or parcels in such subdivision would not be inconsistent with the use provisions in the zone in which the property is situated and with the existing development in the immediate area, and (iii) one or more of the enumerated criteria in section 11-1713(A) are met.

As to provision 11-1713(A)(i), strict adherence to the lot frontage and lot width requirements for which the variance is requested would create a substantial injustice by precluding a two-lot subdivision that, but for the isolated wetland to be preserved, would permit the extension of right-of way and adequate lot frontage and lot width for four new

lots. The unreasonable burden on the development, use and enjoyment of the Property for two new single-unit dwellings (ie one additional dwelling unit beyond that in existence today), outweighs the land use or land development purposes served by strict adherence to the frontage and lot width regulations, especially as the originally created lot does not meet the frontage requirement and has not negatively impacted the neighborhood. In fact, the proposed subdivision would meet the Council's stated goal of increasing the City's housing stock and would document the existing isolated wetland, thereby minimize impacts to that area moving forward, which is an ecological benefit to the Property, the surrounding neighborhood and the City.

As to provision 11-1713(A)(ii) the use and character of the resulting lots would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the surrounding area. The Property is surrounded by single-unit dwellings and a single-unit dwelling is proposed on each newly created lot. The proposed houses on the lots will meet all FAR, setback, height and parking requirements set forth in the existing zone. The lots will be narrow and deep and will be oriented perpendicular to the available lot frontage at the public right-of-way, similar to other lots in the surrounding area. In addition, the lots will be of a size similar to many of the lots in the Frinks subdivision and across South View Terrace, thereby being consistent with other lots in the area. (See Exhibit B).

As to provision 11-1713(A)(iii), the following special circumstances apply:

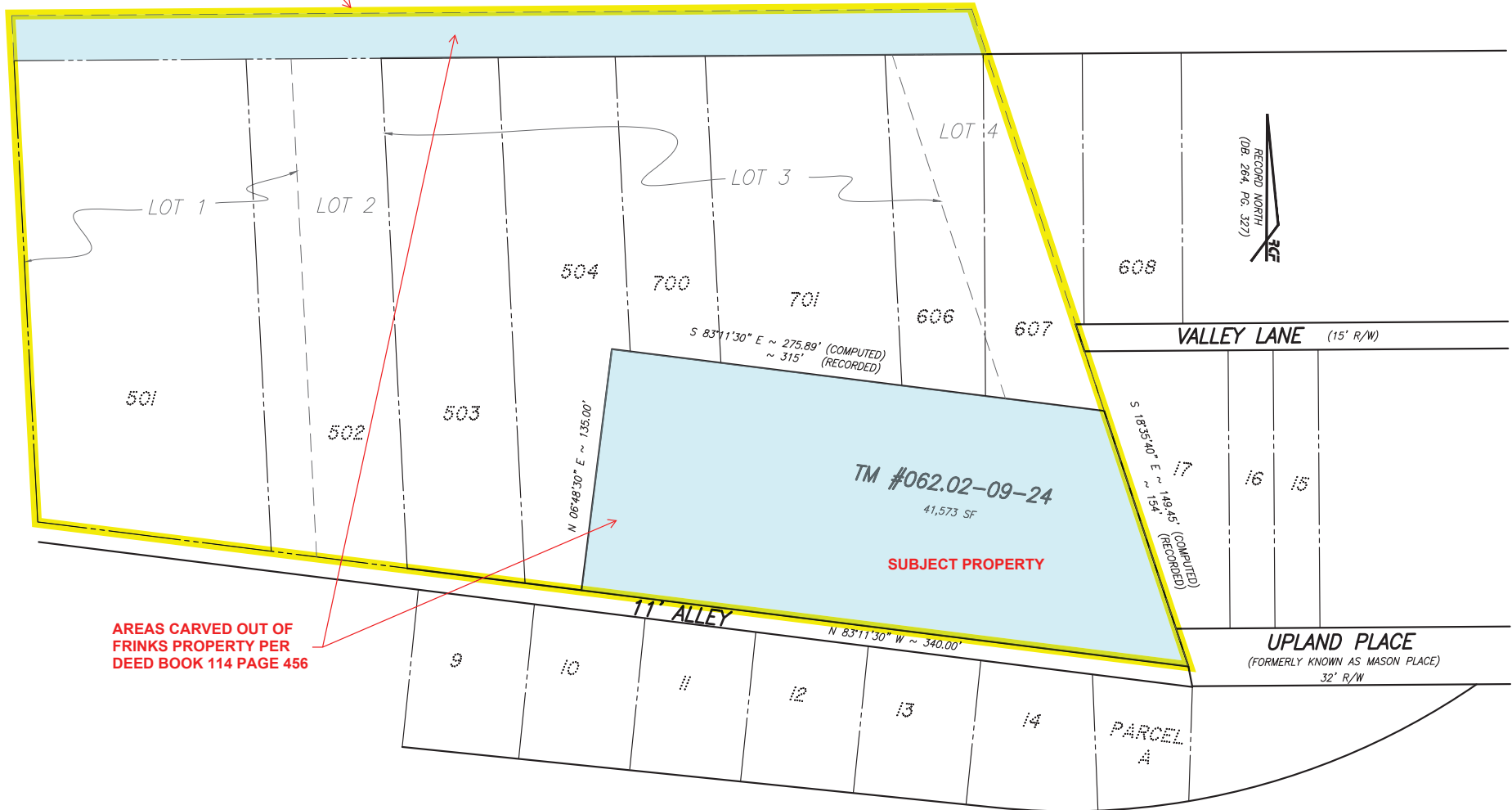
- First, pursuant to Section 11-1713(A)(1), the lot contains extremely rugged topography in that it drops over 10 feet in an 80 foot distance and contains a forested area surrounding a swale running diagonally through the Property from Southview Terrace toward a recently installed storm inlet at the southwest corner of the Property. Although the Property could be subdivided into four lots, the rugged terrain, including the isolated wetland and buffer area, limits the developable area within the site, precluding the extension of the public right of way necessary to meet the required frontage and lot width.
- In addition, pursuant to Section 11-1713(A)(2), the irregularity in the shape of the parcel prevents conformance with normal frontage requirements. The Property was carved out of the parent tract in 1933, in a manner that precluded conformance with normal frontage requirements. The shape and orientation of the lot created by the subdivision at that time resulted in the existing 22.06 feet of frontage along the 32 foot right-of way known as Upland Place. For the reasons described above and due to the existing 11 foot alley to the south, it is not possible to meet the frontage requirements for the proposed subdivision. The proposed lots will each contain 11.03 feet of frontage and will include cross easements for access to the required parking on each lot. In addition, due to the required reduced frontage for the new lots, we cannot meet the lot width requirements, resulting in 27.1 feet of width for lot 505 and 26.3 feet of width for lot 506.

- Finally, pursuant to section 11-1713(A)(3), there is insufficient frontage on an 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. The two lots can only be served by Upland Place, which is substandard in width at 32 feet, but greater than the 30 foot width required to satisfy this special circumstance.

For the reasons stated above, the variations should be authorized and the subdivision should be approved.

ORIGINAL BOUNDARY OF FRINKS PROPERTY

SOUTH VIEW TERRACE



AREAS CARVED OUT OF FRINKS PROPERTY PER DEED BOOK 114 PAGE 456

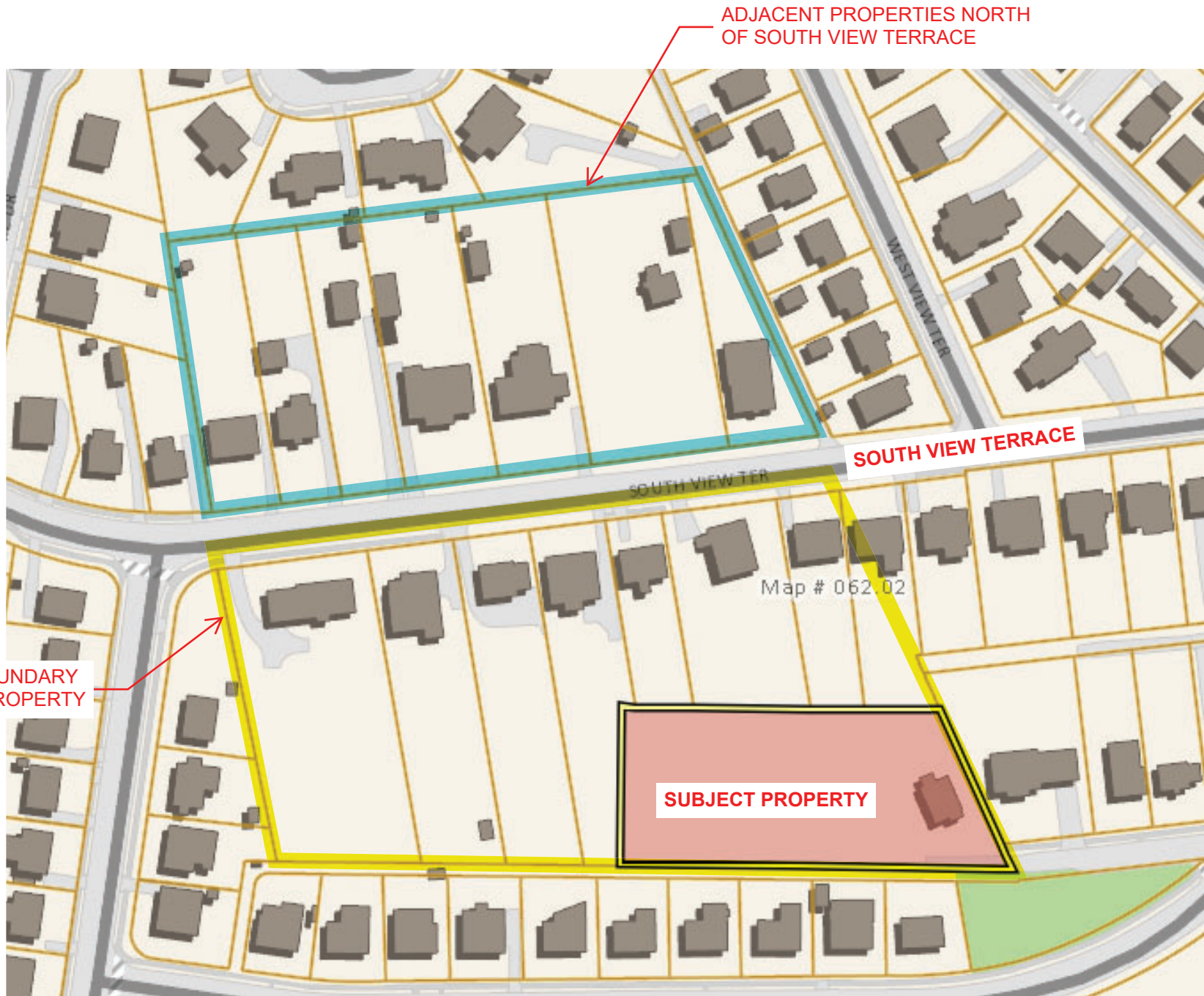
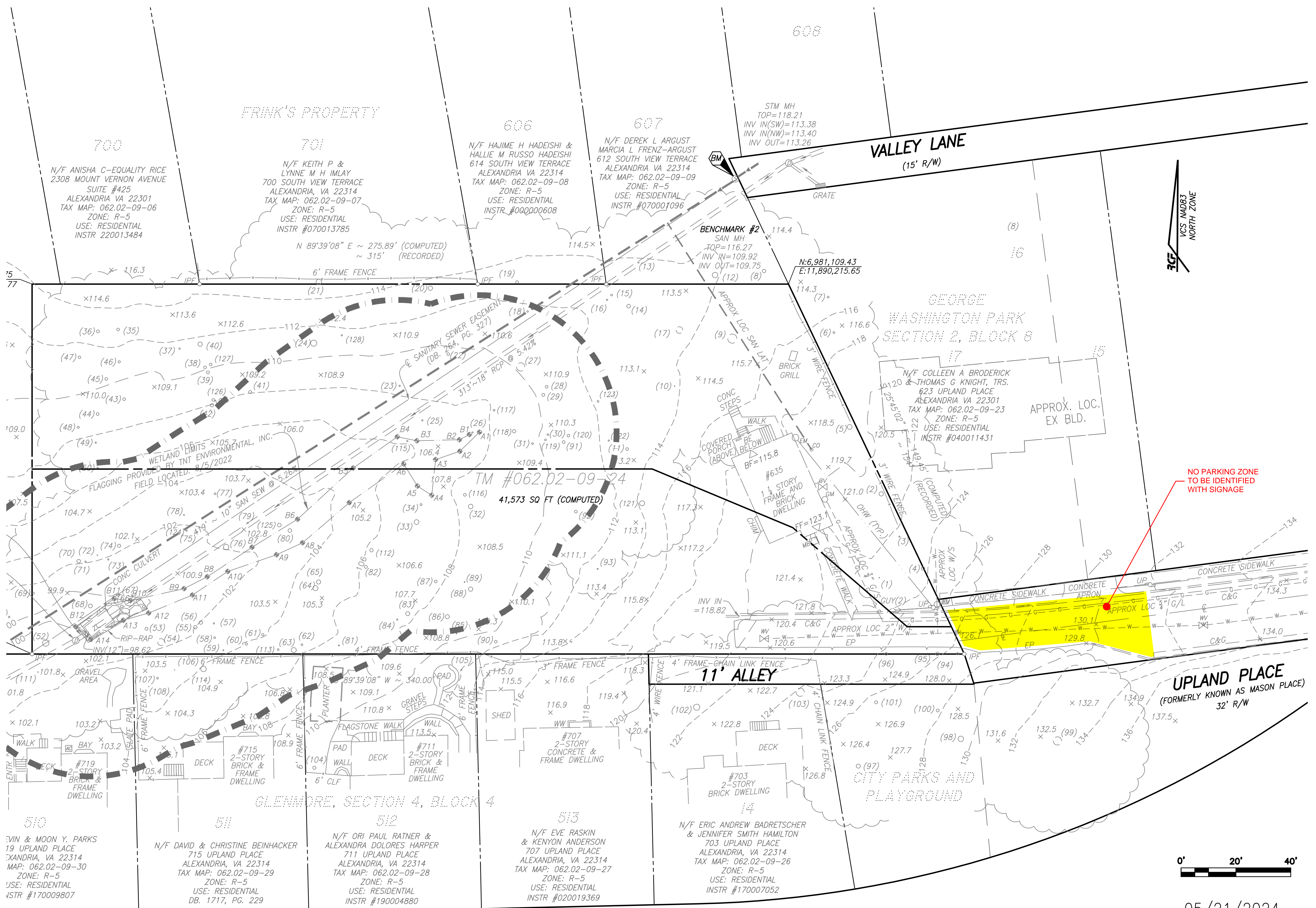
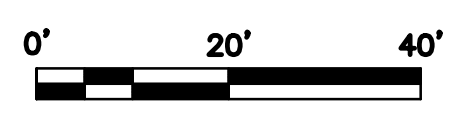


EXHIBIT B

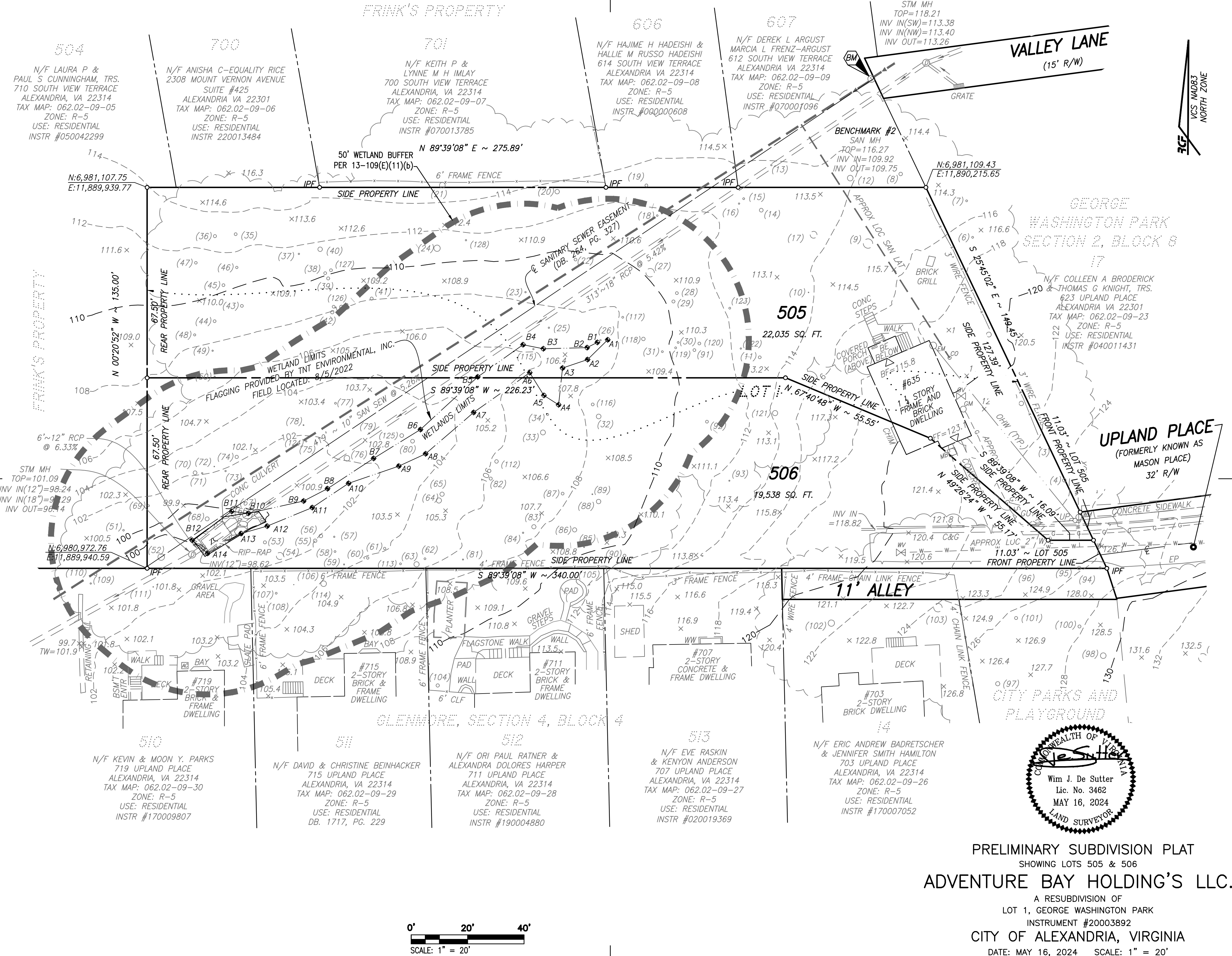


NO PARKING ZONE
TO BE IDENTIFIED
WITH SIGNAGE

EXHIBIT C



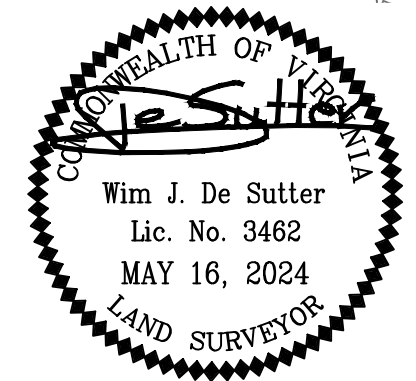
05/21/2024



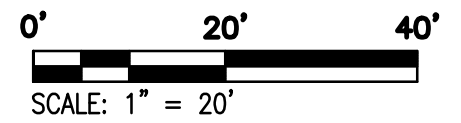
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 700 S. Washington Street, Suite 220
 Alexandria, VA 22314

RC FIELDS & ASSOCIATES, INC.

FILE: 22-045
 DRAWN: KKH
 SCALE: 1" = 20'
 DATE: 5/16/24
 SHEET 2 OF 3



PRELIMINARY SUBDIVISION PLAT
 SHOWING LOTS 505 & 506
ADVENTURE BAY HOLDING'S LLC.
 A RESUBDIVISION OF
 LOT 1, GEORGE WASHINGTON PARK
 INSTRUMENT #20003892
 CITY OF ALEXANDRIA, VIRGINIA
 DATE: MAY 16, 2024 SCALE: 1" = 20'



FRANK'S PROPERTY

504

N/F LAURA P & PAUL S CUNNINGHAM, TRS.
710 SOUTH VIEW TERRACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-05
ZONE: R-5
USE: RESIDENTIAL
INSTR #050042299

700

N/F ANISHA C-EQUALITY RICE
2308 MOUNT VERNON AVENUE
SUITE #425
ALEXANDRIA, VA 22301
TAX MAP: 062.02-09-06
ZONE: R-5
USE: RESIDENTIAL
INSTR 220013484

701

N/F KEITH P & LYNNE M H IMLAY
700 SOUTH VIEW TERRACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-07
ZONE: R-5
USE: RESIDENTIAL
INSTR #070013785

606

N/F HAJIME H HADEISHI & HALLIE M RUSSO HADEISHI
614 SOUTH VIEW TERRACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-08
ZONE: R-5
USE: RESIDENTIAL
INSTR #00000608

607

N/F DEREK L ARGUST
MARCIA L FRENZ-ARGUST
612 SOUTH VIEW TERRACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-09
ZONE: R-5
USE: RESIDENTIAL
INSTR #070001096

VALLEY LANE
(15' R/W)



GEORGE WASHINGTON PARK
SECTION 2, BLOCK 8
17

N/F COLLEEN A BRODERICK & THOMAS G KNIGHT, TRS.
623 UPLAND PLACE
ALEXANDRIA, VA 22301
TAX MAP: 062.02-09-23
ZONE: R-5
USE: RESIDENTIAL
INSTR #040011431

505
22,035 SQ. FT.

506
19,538 SQ. FT.

UPLAND PLACE
(FORMERLY KNOWN AS MASON PLACE)
32' R/W

11' ALLEY

CITY PARKS AND PLAYGROUND

GLENMORE, SECTION 4, BLOCK 4

510

N/F KEVIN & MOON Y. PARKS
719 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-30
ZONE: R-5
USE: RESIDENTIAL
INSTR #170009807

511

N/F DAVID & CHRISTINE BEINHACKER
715 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-29
ZONE: R-5
USE: RESIDENTIAL
DB. 1717, PG. 229

512

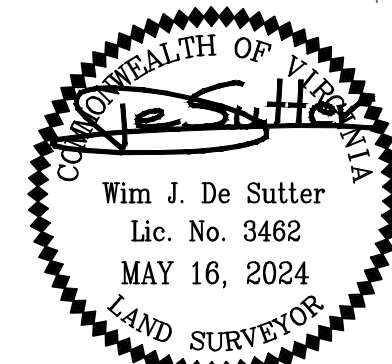
N/F ORI PAUL RATNER & ALEXANDRA DOLORES HARPER
711 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-28
ZONE: R-5
USE: RESIDENTIAL
INSTR #190004880

513

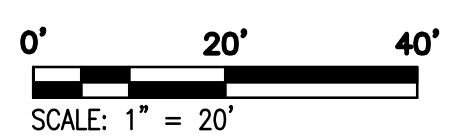
N/F EVE RASKIN & KENYON ANDERSON
707 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-27
ZONE: R-5
USE: RESIDENTIAL
INSTR #020019369

14

N/F ERIC ANDREW BADRETSCHER & JENNIFER SMITH HAMILTON
703 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-26
ZONE: R-5
USE: RESIDENTIAL
INSTR #170007052



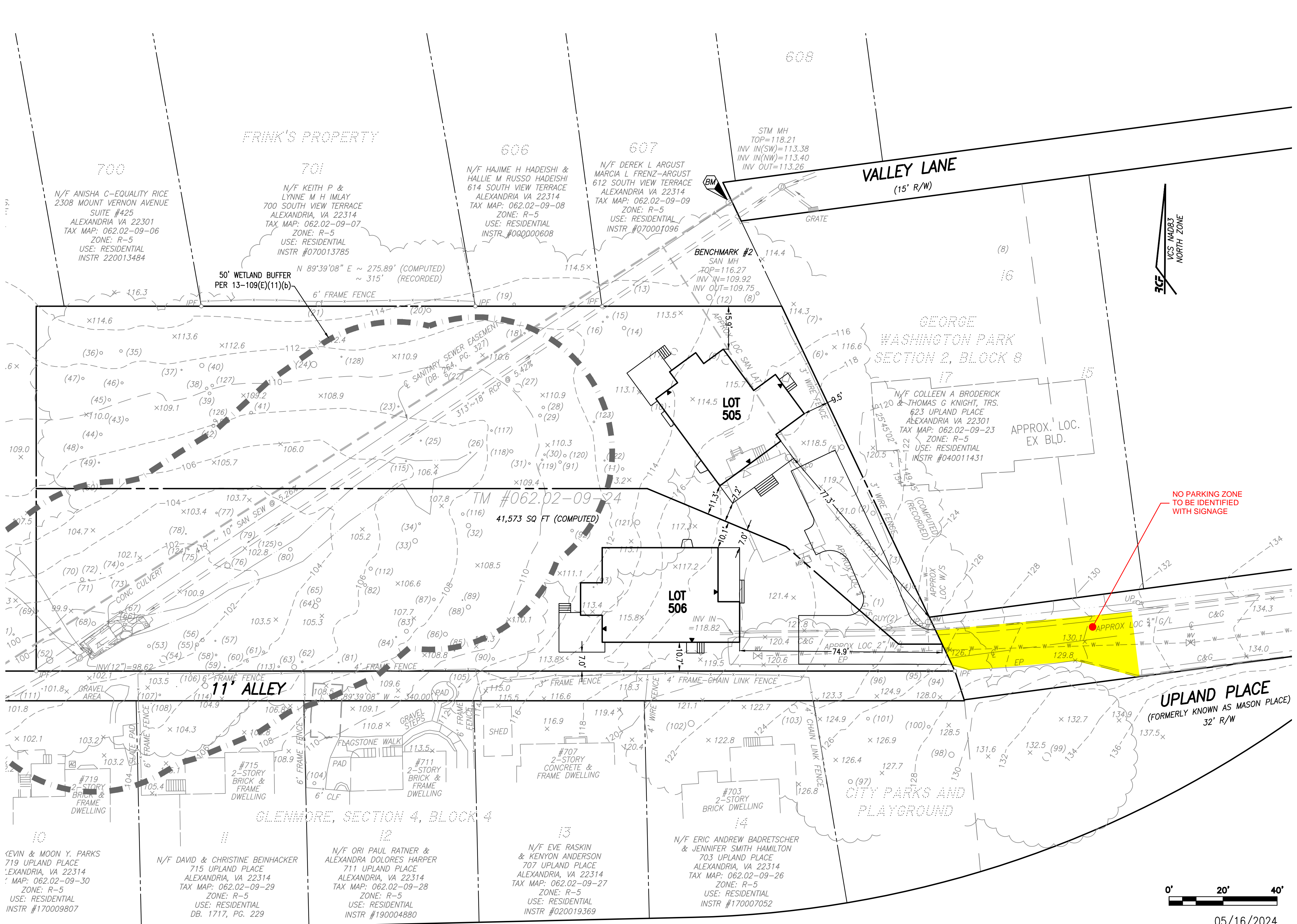
PRELIMINARY SUBDIVISION PLAT
SHOWING LOTS 505 & 506
ADVENTURE BAY HOLDING'S LLC.
A RESUBDIVISION OF
LOT 1, GEORGE WASHINGTON PARK
INSTRUMENT #20003892
CITY OF ALEXANDRIA, VIRGINIA
DATE: MAY 16, 2024 SCALE: 1" = 20'



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RC FIELDS & ASSOCIATES, INC.

FILE: 22-045
DRAWN: KKH
SCALE: 1" = 20'
DATE: 5/16/24
SHEET 3 OF 3



FRINK'S PROPERTY

N/F ANISHA C-EQUALITY RICE
2308 MOUNT VERNON AVENUE
SUITE #425
ALEXANDRIA VA 22301
TAX MAP: 062.02-09-06
ZONE: R-5
USE: RESIDENTIAL
INSTR 220013484

N/F KEITH P &
LYNNE M H IMLAY
700 SOUTH VIEW TERRACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-07
ZONE: R-5
USE: RESIDENTIAL
INSTR #070013785

N/F HAJIME H HADEISHI &
HALLIE M RUSSO HADEISHI
614 SOUTH VIEW TERRACE
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TAX MAP: 062.02-09-08
ZONE: R-5
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INSTR #090000608

N/F DEREK L ARGUST
MARCIA L FRENZ-ARGUST
612 SOUTH VIEW TERRACE
ALEXANDRIA VA 22314
TAX MAP: 062.02-09-09
ZONE: R-5
USE: RESIDENTIAL
INSTR #070001096

STM MH
TOP=118.21
INV IN(SW)=113.38
INV IN(NW)=113.40
INV OUT=113.26

VALLEY LANE
(15' R/W)

50' WETLAND BUFFER
PER 13-109(E)(11)(b)

SANITARY SEWER EASEMENT
(DB. 264, PG. 327)
315'-18" RCP @ 5.42%

LOT 505

LOT 506

GEORGE
WASHINGTON PARK
SECTION 2, BLOCK 8

N/F COLLEEN A BRODERICK
& THOMAS G KNIGHT, TRS.
623 UPLAND PLACE
ALEXANDRIA VA 22301
TAX MAP: 062.02-09-23
ZONE: R-5
USE: RESIDENTIAL
INSTR #040011431

TM #062.02-09-24
41,573 SQ FT (COMPUTED)

11' ALLEY

UPLAND PLACE
(FORMERLY KNOWN AS MASON PLACE)
32' R/W

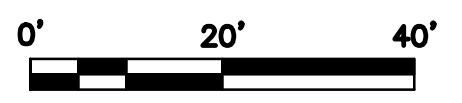
GLENMORE, SECTION 4, BLOCK 4

N/F DAVID & CHRISTINE BEINHACKER
715 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-29
ZONE: R-5
USE: RESIDENTIAL
DB. 1717, PG. 229

N/F ORI PAUL RATNER &
ALEXANDRA DOLORES HARPER
711 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-28
ZONE: R-5
USE: RESIDENTIAL
INSTR #190004880

N/F EVE RASKIN
& KENYON ANDERSON
707 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-27
ZONE: R-5
USE: RESIDENTIAL
INSTR #020019369

N/F ERIC ANDREW BADRETSCHER
& JENNIFER SMITH HAMILTON
703 UPLAND PLACE
ALEXANDRIA, VA 22314
TAX MAP: 062.02-09-26
ZONE: R-5
USE: RESIDENTIAL
INSTR #170007052



05/16/2024

CONCEPTUAL LAYOUT - FOR ILLUSTRATIVE PURPOSES ONLY

May 22, 2024

Planning Commission
City of Alexandria
City Hall
301 King Street
Alexandria, VA 22314

Submitted via email: plancomm@alexandriava.gov

Dear Members of the Planning Commission:

On behalf of the Argust family, I appreciate the Commission's consideration of our comments pertaining to a proposal to develop the property at 635 Upland Place. Specifically, the proposal involves an application—submitted by builder Windmill Hill Designs—to subdivide the property into two lots (with a house on each lot) and variance request to address frontage issues. Our interest in this issue stems from our ownership of a house adjacent to 635 Upland, located at the northeast corner of the property. We ask that our comments be included in the Commission's permanent record on this matter.

To ensure the Commission has all the facts to make an informed decision about the 635 development proposal, please consider the following points:

- Over the past decade, the City of Alexandria has spent considerable staff time and resources to address the various proposals to develop property at 635 Upland Place. We encourage the City to consider the previous concerns that staff raised—contained in responses to various concept plans submitted by Windmill Hill Designs—about building on 635 Upland Place, as many of these concerns remain.
- Based on the wetland and stormwater issues on the 635 site, the City has already spent thousands of dollars in seeking to address water concerns due to this property. For example, in recent years the City put in a swale to address significant water drainage issues and facilitated a grant to a homeowner to address housing foundation issues caused by water from 635 Upland Place. According to the City's comments in response to the builder's 2022 Concept II plan to build four houses on the property, of the 14 acres within this drainage basin, nearly 4 acres drain "directly into the 1-acre considered for development." This information is relevant whether the builder is proposing to build four or two lots.
- The application to subdivide 635 Upland Place contains misleading or even inaccurate information:
 - The application states the builder is submitting a proposal for two homes, rather than the previous proposal for four houses, in response to "...neighbors' expressed desire for the Applicant to reduce the units on site from four to two." This is inaccurate.

- The builder claims that the variance is needed due to “substantial injustice” in conforming with existing frontage requirements due to existence of isolated wetland, citing that this is an “unreasonable burden on the development, use and enjoyment of the Property for two new single-unit dwellings.” The potential impact of the existing wetland on a builder’s proposed project should not be considered a “substantial injustice.”
- Additionally, the builder cites that the proposed subdivision would provide an “ecological benefit” by documenting the existing isolated wetland and “thereby minimize impacts to that area moving forward.” This logic is not sound. The wetland has already been identified and a subdivision will hardly minimize impacts.
- The applicant states that the proposed lots will be narrow and deep and “will be oriented perpendicular to the available lot frontage at the public right-of-way, similar to other lots in the surrounding area.” This is inaccurate. In the vicinity of 635 Upland Place, there are no lots perpendicular to other lots.
- Proposed development in the City of Alexandria should not negatively impact adjacent property owners. There are very real concerns about negative impact on existing property owners due to issues including: increased stormwater management issue due to reduction of permeable ground where the proposed houses would be constructed; increased erosion and active water due to loss of trees; and potential need for retention walls and maintenance due to significant grading issues. Addressing these matters could cause economic hardship for owners, as well negatively impact the value of their property upon selling.
- In March of this year, the Council rejected a development proposal in Del Ray, based on the fact that it was not compatible with the surrounding neighborhood. We urge the Commission to consider the issue of conformity related to 635 Upland Place.
- Per Windmill Hill’s subdivision application, a majority of the topography is not buildable, based on City staff’s identification of an active wetland on 635. As a result, a builder cannot build wherever it wants on the property, but must contain plans to approximately 1/3 or even less of the one-acre property. Nonetheless, the builder is requesting a variance on frontage requirements to pursue two large homes on this smaller buildable space. We urge the Commission to consider whether frontage requirements could be met if the builder reduces the footprints of the proposed homes. While we recognize the builder has an algorithm to maximize profits, one business’ profits should not be at the expense of existing homeowners’ property values.

In addition to these points, we would appreciate the Commission addressing the following questions:

- Has the Commission staff requested the builder propose a design that includes smaller footprints for each house?
- Who is expected to pay future costs related to maintenance of retention walls and increased stormwater management needs? What assurances can the City and/or builder provide to ensure such additional costs do not become a burden on existing homeowners or taxpayers at large.

- What assurances would the builder provide to adjacent homeowners, to ensure no negative loss of property value (due to water issues, damages related to construction of new homes so close to existing homes, non-conformity with surrounding neighborhood, etc).

Thank you for the Commission's consideration of our comments and questions. We encourage the City to consider the previous concerns that staff raised about building on 635 Upland Place, as many of these concerns remain. Don't hesitate to reach out should you need additional details about the points we've raised.

Sincerely,

Marcia and Derek Argust

May 23, 2024

Planning Commission
City of Alexandria
City Hall
301 King Street
Alexandria, VA 22314

Submitted via email: plancomm@alexandriava.gov

Dear Members of the Alexandria Planning Commission,

We would like to express our concern with Windmill Hill's application for subdivision of 635 Upland Place and variations of lot frontage and lot width requirements for the two newly created lots. We greatly admire the craftsmanship and quality of Windmill Hill-built homes and would welcome having their work in the neighborhood. Our concern at this moment is that this application does not provide enough information about the future development for Planning Commission Officials to understand potential impacts of said development and to make the best decision for the community possible.

Our concerns are many and varied, but at the top is access to this property and the neighborhood parking situation. We can assume that Windmill Hill plans to build two homes on the property in question as they have requested two lots, but no details on these houses (size, location, orientation, etc.) are part of this application and Commission Officials, as well as neighbors, are left to speculate about potential issues that may or may not arise.

The access street to the site is narrow and it narrows even further as one travels down the street approaching the site in question. If the developer plans to build two homes on the property in question it has the potential to significantly impact the already tenuous parking situation in our neighborhood. The street directly in front of our home (621 Upland Place) and our neighbor's (619 Upland Place) provides space for five to six vehicles, depending on their size. Currently, the city has paved and maintained (with a curb) the street within the marked property lines of 635 Upland Place as seen on page two of application document "2-SUB-PLAN-635 UPLAND PLACE 05-02-2024 (A1229436-3)" (without protest from current owners) providing access and frontage to 635 Upland Place. This also provides a couple of additional parking spaces in front of 623 and 635 Upland Place, meaning there are about eight spots for the four homes currently facing the street. Windmill Hill's plans to add a fifth home (and to replace the smaller home currently at 635 Upland Place with a larger building) and remove the portion of the road currently providing 635 with street parking will assuredly increase congestion on this street, particularly since they have indicated that they plan to request the area in front of both 623 and 635 Upland Place to be marked as "no parking." Even assuming the two new homes will have driveways large enough to fit two vehicles, the available street parking for these five homes will be a mere six spaces. Again, these are assumptions, as we, Commission Officials, and City Building Officials have no official building or site plans to review or verify to inform decisions.

In our efforts to better understand potential impacts, we have learned that our street is not wide enough to support the Alexandria Fire Department's newest and largest vehicles. And while it is currently legal to park on this street due to its being "grandfathered" into prior regulations, Windmill Hill's proposed development may require a new assessment. Windmill Hill representatives have assured us that parking in front of 621 and 619 Upland Place will not be affected, but this is a promise they may not be able to keep. Neither they nor the City Council controls the Fire Marshal and their decisions on this matter. Indeed, we have separately contacted Fire Department officials who have informed us that a new assessment could make it unlawful to park in front of our own house, regardless of whether the Windmill Hill development modifies the street at all. This means that the six homes along our offshoot of Upland Place may not have any street parking within the close vicinity of their homes. This, in turn, will require us to park along the main drag of Upland Place; an area that is already plagued by cars vying for parking and supports only one-way traffic as cars going both ways must weave in and out of parked car spaces which makes traveling along the street less safe.

This is just one of the potential issues that may impact neighboring residents (including those not directly adjacent to the 635 Upland Place property). Unfortunately, without more information, it is challenging to make an informed decision. We love living in and raising our young family in this neighborhood of Alexandria and would like to further understand plans for changes to our neighborhood so we can best understand the impact on our lives. We believe the Commission Officials feel the same and would prefer to be able to make decisions that benefit our community by having a clearer understanding of any plans before making a decision on granting subdivisions variations of established rules and norms for our neighborhood.

Thank you,

Mark and Fletcher Bruegger
621 Upland Place

May 23, 2024

To: Planning Commission, City of Alexandria
From: Minturn Wright, on behalf of neighbors on Upland Place,
South View Terrace, and Hilltop Terrace
Re: Response to application for subdivision SUB 2024-0003, 635 Upland Place (second
application, as revised to 5/16/24)

Introduction

The would-be builder of new houses on the lot at 635 Upland Place, with the consent of the lot's owner, has applied for a subdivision of the house lot into two lots (application p. 3¹). This application is a revision of the February 2024 application, itself a re-working of a 2022 application for subdivision of the same land (p. 7). Although a re-working of the earlier effort, which involved an application for a special use permit, the current application actually seems to say less than its predecessor. In short, there are quite a few problems with this application and the project of which it is a part.

Completeness of the application

The front page of the application form states that the application was signed by Catharine Puskar, who is identified as the applicant's "Attorney/Agent" (application p. 3). Page 5 identifies the agent in the same way, as does p. 6. Nevertheless, the "agent" section (p. 4), which asks if the applicant is represented "by an authorized agent, such as an attorney" and if so, asks for a city business license, is brushed off with a "N/A". No city business license is provided for any entity: not the applicant, the owner, or the agent. This application, despite being a repeat submission, is facially incomplete and should be denied on that basis.

Size of houses

The "Conceptual Layout" shows a house on proposed Lot 505 with a footprint of some 1,513 square feet, not including porches, deck, or any garage (no garage is depicted, but it strains credulity that a large new house in the Washington, D.C., metropolitan area would be built without one, with space for at least two cars). Assuming a house with at least two floors (typical), that gives a floor space of at least 3,026 square feet (not counting any basement)—enough to qualify for "McMansion" status.² The applicant's representatives have substantially confirmed the large sizes of the houses proposed.

¹ All references to the current application use the page numbers printed at the bottoms of the pages on the copy downloaded from the city's website, which are not consecutive from 1.

² Numerous sources define a McMansion as having at least 3,000 square feet, e.g., Lisa Smith, "McMansion: A Closer Look at the Big House Trend", *Investopedia*, Mar. 31, 2024; <https://www.investopedia.com/articles/pf/07/mcmansion.asp>, citing Trulia, "Are McMansions Falling Out of Favor?". See also "Defining a McMansion, Trait

The house on proposed Lot 506 is larger: about 1,800 square feet of footprint, again exclusive of porch, deck, or any garage. Two floors of such a house would have at least 3,600 square feet, not counting any basement. A house two floors (plus a roof large enough to cover such a house) high would dwarf the 1-1½ story houses nearby.

While the City has indeed expressed an interest in increasing its housing stock, as the application notes (p. 8), it is hard to believe that a couple of McMansions on a dead-end street stub, away from principal boulevards, are what the city has in mind.³ The \$2 million-range prices the applicant has mentioned would be far out of reach of the “affordable” housing market.

Parking

The application appears to ask (in the accompanying Conceptual Layout) that the city establish a no-parking zone on the stub end of Upland Place, apparently to protect the applicant’s street frontage and access. It is interesting that this requested no-parking zone extends along nearly the entire street frontage of 623 Upland Place, the adjoining parcel on Upland. The applicant seeks to force its neighbors to give up the street parking in front of their own house so that the applicant can build two houses on its own land. Unsurprisingly, it offers no account of what the neighbors think of this proposal, or what will happen whenever they—or the residents of the proposed houses—host a party.

Zoning Ordinance Section 11-1713

The application seeks to justify a variation from the zoning requirements by arguing that, *inter alia*, the “lot frontage and lot width requirements” would create “a substantial injustice” if the applicant was not given a pass to violate them (application p. 7). It gives very few details as to how this “injustice” would be wrought upon it, other than to say they preclude a two-lot subdivision, and provides no citations for its factual claims. The treatment of lot width is particularly nebulous.

The Zoning Ordinance’s definition of “substantial injustice” is that there would be “an unreasonable burden on the development” of the land in question “which outweighs the land use or land development purposes served by the specific zoning provision” in question (ZO § 11-1713(B)). The same section goes on to provide that an applicant has the burden of establishing **each** of the elements required for a variation (ZO § 11-1713(C)). Here, the applicant does not come close.

#1: Size”, *Legally Sociable*, Jan. 10, 2017; <https://legallysociable.com/2017/01/10/defining-a-mcmansion-trait-1-size/>; Brian J. Miller, “Competing Visions of the American Single-Family Home: Defining McMansions in the *New York Times* and *Dallas Morning News*, 2000-2009”, *Journal of Urban History*, Vol. 38, No. 6; April 9, 2012; <https://journals.sagepub.com/doi/abs/10.1177/0096144211435124>.

³ E.g., City Council meeting of Nov. 28, 2023.

ZO Section 3-405(B) provides that a lot in an R-5 zone must have a “lot width at the building line” of “50 feet”. The proposed lots are 67.50 feet wide for most of their length, narrowing as they approach Upland Place. From the Conceptual Layout, it is clear that these proposed lots already are at least 50 feet wide at the foremost point of the proposed houses (the existing lot is, of course, much wider). If, from some hidden flaw, these lots are not 50 feet wide at that point, the houses could easily be moved back a few feet or shrunk slightly to meet the requirement. The existing house on the existing lot easily meets this requirement, as would any reasonable house built in its place. There is no substantial injustice resulting from the width requirement. The argument fails on that ground. The frontage issue will be treated later.

The application’s statement of justification also claims, *inter alia*, that “the use and character of the resulting lots” would conform to the surrounding neighborhood, as required by Section 11-1713 of the ZO. It seeks to justify this claim by comparing this land, 635 Upland Place, to “many of the lots in the Frinks subdivision and across South View Terrace” (application p. 8) and claiming that the proposed lots (with their \$2 million McMansions) would be “consistent with other lots” in the neighborhood. It arrives at this conclusion by including in its consideration ten lots that do not adjoin this lot, particularly including seven lots that are on a street which this land does not adjoin, and are even on the other side of the street that it does not adjoin (application Exhibit B). Meanwhile, it entirely ignores six lots that this land actually **does** adjoin, each one of them fronting on Upland Place, the same as this lot. It is easy to see why these choices are made: the houses on land that actually adjoins 635 Upland Place are considerably smaller (see table) and more modest (most are 1½ stories) than the McMansions the applicant wants to build. The proposed big, tall houses are entirely out of character for Upland Place.

Address	Lot area (sq. ft.)*	Frontage (ft.)**	House area (sq. ft.) †
623 Upland Place	16,207 (3 legal lots, avg. 5,402 ea.)	80 (taken as one)	2,698
635 Upland Place	43,560‡	22	960 (currently)
703 Upland Place	5,304	74	1,152
707 Upland Place	5,110	63	1,856
711 Upland Place	5,204	63	1,960
715 Upland Place	5,182	62	1,558
719 Upland Place	5,304	62	1,375
<i>Average</i>	<i>5,289 (not including 635)</i>	<i>61</i>	<i>1,613</i>
Proposed Lot 505	22,035	11	3,036
Proposed Lot 506	19,538	11	3,600

* From the city real estate tax database.

** From Tax Map 062.02 (addresses corrected), except No. 635’s is from the application; all are to the nearest foot.

† From the tax database, above-grade living area.

‡ This figure, which also appears in the application, is contradicted by the plat (p. 1) accompanying the application, which gives an area of 41,573 square feet.

In addition, the lots at 635 Upland Place, both existing and proposed, are significantly larger than the other legal lots on Upland Place. Compared to its Upland Place neighbors, the existing lot is a whopper, and the proposed lots are whoppers as well. The houses envisioned for these lots are the true whoppers: wildly out of scale for the neighborhood. This is all the more reason **not** to allow the proposed lots to have substandard frontages. The proposed lots and houses are distinctly **in**consistent with the character of their Upland Place neighbors. This prong of the Section 11-1713 test fails. The application should be denied.

The application's Statement of Justification further claims that three "special circumstances" apply to this land to justify the variances sought. These will be treated individually.

"Extremely rugged topography" (ZO §11-1713(A)(1)): the application claims the lot "drops over 10 feet in an 80 foot distance".⁴ This is about a 12% grade, which is hardly "extremely rugged" (especially considering that the slope appears to be quite smooth); indeed, in the ambit of urban development, it is at the edge of a "moderate" slope.⁵ In addition, this slope occurs in only one place on the 0.954-acre lot. Furthermore, and perhaps more importantly, "extremely rugged topography" is a reason for **less** density, not more, as the danger of erosion, landslide, damage to wetlands, etc., is that much greater. The variation should not be granted.

"Irregularity in the shape of the parcel" (ZO § 11-1713(A)(2)): the application claims that the shape of the parcel prevents conformance with normal frontage requirements. It is curious that the applicant complains at all about the **shape** of the existing lot: it is a relatively normal trapezoid, much like many of its neighbors, and has been since the 1933 subdivision. The lot is not sinuous, or overly long and thin: its 135-foot width allows for an area-to-perimeter ratio of 46.17, pretty close to that of a square of the same area (ratio = 50.97)⁶. If there is a problem with the shape of the proposed lots, the applicant has only itself to blame for drawing the dividing line. The applicant has no business complaining about the shape of these lots. The variation should not be granted.

"Insufficient frontage" (ZO § 11-1713(A)(3)): the application posits that there is not enough street frontage, on a too-narrow street, for the applicant's desires. Once again, today's actors seek to blame their predecessors (and, by implication, the city for allowing the 1933 subdivision and the street)⁷ and to use that as justification for variances in the rules: they seek to divide one unconforming lot into two even less conforming lots. While it seems that this lot's non-conformance with the frontage requirements was "grandfathered" when the Zoning

⁴ It appears that this supposedly precipitous drop occurs where the applicant wishes to build a house on its proposed Lot 506, so clearly it is not upsetting those plans.

⁵ Ralph W. Kiefer, "Terrain Analysis for Metropolitan Area Planning", *Journal of the Urban Planning Division, Proceedings of the American Society of Civil Engineers*, Dec. 1967.

⁶ Put another way, this lot's squareness is 0.91 out of a maximum possible 1.0, or 91%.

⁷ Evidently, neither the subdividing landowners nor the city saw fit to have this lot adjoin or front on Valley Lane or South View Terrace, both of which bounded the Frinks tract (see Exhibit B to the application), or to establish easements connecting this lot to either of those public ways. This failure should not be rewarded.

Ordinance was adopted, such a grandfathering only applies as long as the grandfathered condition persists (See ZO § 12-500). The previous subdivisions were performed by the owners of the lot, in full knowledge of what they were doing. The applicant and the present owner, which knew what it was getting into when it bought this land, should not be casting themselves as the victims.

Further as to the frontage issue, the Zoning Ordinance actually addresses the issue of “substandard residential lots” that are not in conformity with lot sizing and similar requirements, which situation existed before June 24, 1992 (ZO § 12-400). As the application admits, the lot at 635 Upland Place has existed since 1933, well before the threshold date.

The Zoning Ordinance’s Article XII (Noncompliance and Nonconformity) provides, in pertinent part, that an R-5 lot (such as this one), which has been in existence since December 28, 1951 (as this one has), and has “width at the front lot line or front building line than the minimum required for use in the zone where it is situated” (defined as “substandard”) “may be developed **only with a single-family dwelling** and its accessory buildings” (ZO § 12-401, emphasis added). The same Code section requires that the substandard lot may not be owned by a person who owns adjacent land, and that a special use permit must be granted, with the City council finding that the proposed construction “will not unreasonably impair an adequate supply of light and air to adjacent property, will not diminish or impair the established property values in the surrounding areas, and will be compatible with the existing neighborhood character.” Unsurprisingly, the application makes no mention of this requirement. The applicant had filed an application for a special use permit, dated February 27, 2024, contemporaneous with an earlier subdivision permit, but withdrew the SUP application, apparently preferring to “divide and conquer” in an effort to maximize profits. The applicant’s pivot to a subdivision-plus-variance request, rather than a SUP, is a procedural gambit that does not address the on-the-ground concerns pertaining to the SUP. The City should not allow such a piecemeal development: the long-established neighborhood would die the “death of a thousand cuts”.

The Planning and Zoning Staff comments on an earlier iteration of this application suggested that the Upland Place right of way could be extended into the current lot to allow both of the proposed lots to have adequate frontage, and that a sidewalk could provide pedestrian access. In fact, the City has maintained a paved extension of Upland Place extending approximately 85 feet (judging from the preliminary subdivision plat) onto the lot comprising 635 Upland Place for years. The staff commented that such an extension of Upland Place would be “more appropriate” to this proposal and suggested a revised submission. While the application was resubmitted, it is clear that this suggestion received little or no consideration, despite the existence of the *de facto* street extension. Evidently, the applicant is unwilling to give up even a little of its land area—even if already in use as a street—to comply with long-standing zoning requirements. The lot that comprises 635 Upland Place should continue in its current size, shape, orientation, and frontage. The variation should not be granted.

Mitigation

While it is clear that no justification exists for this subdivision (beyond that the applicant wishes to make more money), the applicant makes a “big ask”: that the city and the neighbors allow a significant increase in density, footprint, and height, wholly out of keeping with the neighborhood, give up parking, and suffer a loss of their own house values. If the City allows this subdivision—which the neighbors earnestly hope is not the case—the applicant should be required to provide some consideration to the neighbors to (partially) compensate them, such as planting a heavy buffer of trees and bushes along the southern and eastern boundaries of the original lot to protect the quiet enjoyment of the residents of Upland Place. If the applicant cannot or will not agree to such a consideration, or if the subdivision authorities cannot require it, the application should be denied instead.

Summation

The applicant wishes to tear down a 1940’s house, one that is highly consistent with its neighbors in size, construction, and age, and replace it with multiple large houses which would be wholly out of the character of the neighborhood. It claims it faces an “unreasonable burden” in doing this, simply because it cannot build **two** McMansions. In other words, the “unreasonable burden” is merely that the applicant cannot make as much profit as it would like. It could easily build one house on the existing lot, or substantially renovate the one there already, but the profit motive is such that it will not consider such an option. Given the wetland near the middle of this lot, of which the applicant was aware beforehand, this is not an unreasonable burden. The applicant has failed to meet its burden of proof for a zoning variation. The application should be denied.

Thank you. If you have any questions, I would be happy to answer them.

Very truly yours,

Minturn Wright

Minturn Wright

5/23/24

Planning and Zoning Commission Members

RE: SUB2004-00003_635 Upland Place

Dear Members of the Planning and Zoning Commission:

I am the owner of the property at 707 Upland Place, which directly abuts the 635 Upland Place (SUB2004-00003_635 Upland Place).

In 2022, Adventure Bay Holdings and Windmill Hill Design submitted a concept plan to develop 4 homes (CDSP2022-00020). Due to numerous concerns, the submission did not move forward (City response to CDSP2022-00020 attached).

On February 26, 2024, the applicant submitted Special Use Permit #2024-00015 with Subdivision #2024-00003. The city response to that application requested that the applicant “*Consider (1) extending the Upland Place public right-of-way (ROW) into the subject property and (2) reconfiguring the proposed lot lines so both lots have frontage. Staff finds this configuration more appropriate as access to each of the properties could be provided via public streets rather than private access easements. A sidewalk could also provide pedestrian access to the site.*” (City response to Special Use Permit #2024-00015 with Subdivision #2024-00003 attached).

However, the applicant submitted SUB2004-00003_635 Upland Place without such considerations. Currently, there is approximately 85’ of an asphalt extension of the Right-of-Way with a curb cut on the property that has been paved, plowed, and maintained by the city for more than 20 years and functions as frontage for the property in discussion. Yet, the applicant continues to state that it is not possible to extend to Right-of Way.

The applicant also expresses that “*strict adherence to the lot frontage and lot width requirements for which the variance is requested would create a substantial injustice.*” These requirements cannot be met based on the new lots the applicant wishes to create.

In SUB2004-00003_635 Upland Place, the applicant bemoans the presence of wetlands and the city’s stringent environmental protections: “*As a result of this requirement as well as neighbors’ expressed desire for the Applicant to reduce the number of units on site from four to two, the Applicant revised its plans and is now requesting approval of a subdivision of the Property into two lots.*”(City Response Special Use Permit #2024-00015 with Subdivision #2024-00003 attached).

I would like to be clear that I have attended site visits and calls with the applicant and find this statement unsubstantiated. On November 10, 2022, I spoke with Mr. Dameron (the applicant) and Paul Wilder, RC Fields and requested that only one home be built. Mr. Dameron indicated that plans for such a home had been created for the landowner.

On May 13, 2024, the attorney for the applicant attended a meeting at the site and again asserted that the “neighbors expressed desire” for 2 homes. Several present objected to this assertion and the applicant’s attorney was unable to identify the “*neighbors’ expressed desire for the Applicant to reduce the number of units on site from four to two.*”

This recent submission appears to be an attempt to circumvent city oversight and previous concerns that still exist today. SUB2004-00003_635 Upland Place leaves many unanswered questions that need evaluation. Without further examination of site plans, we are left to speculate how the homes will be built under these lot lines. The application materials are misleading and contradict each other, with descriptors and markings appearing in one drawing and omitted or altered in others. The application dated 5/2/24 states “*For the reasons described above and due to the existing 11-foot alley to the south, it is not possible to meet the frontage requirements for the proposed subdivision.*” In a 5/20/24 webinar held by the applicant’s attorney that the small portion of the alley on city property and adjacent to the owner’s property is irrelevant to proposal, yet it remains in the application materials.

635 Upland Place, in its current state, has the infrastructure to support the development of one home or the redevelopment of the existing home. Proposed Lot 506 has no infrastructure to support development. Under this seemingly innocuous request for a subdivision, there are no grading plans, utility plans, stormwater management plans, development plans, site plans nor even mention of how development will move forward. Additionally, the applicant requests the creation of Lot 506 and positions it directly over the only known existing stormwater inlet and is the runoff point for 14 acres of drainage (attached).

On 4/1/24, I spoke at length with city stormwater principal planner Gavin Pellitteri about these issues. Mr. Pellitteri was very forthcoming in his discussions with me and conveyed “we won’t know until we see” such plans. These are critical questions that need answers, given the city previously commented on such matters.

The applicant asserts that the lots are compatible with other lots in the neighborhood and there are no negative impacts to the neighborhood from the requested use permits and modifications.

As a property owner whose land directly abuts 635 Upland Place, I find these assumptions to be made without merit. These lots will have property lines that are perpendicular to the existing lines, unlike any other in GW Park or Glenmore. Additionally, the applicant’s materials refer to parcels on an entirely different block than this parcel of land.

Any grading and regrading has the potential to impact the adjacent properties in several areas but not limited to water runoff, stability of yard, damage to fences, tree roots and use and enjoyment of yard. Continued attempts to clear and survey, the structural integrity of my fence has been compromised and is leaning toward 635 Upland Place.

Furthermore, the ground disturbance caused by the extensive construction required to clear, excavate, and prepare for construction, as well as actual construction can create shock and

vibration, which is concerning given the age of surrounding homes in the abutting 700 block of Upland Place (approximately 80+ years old).

The applicant intends to demolish the existing home, which is of similar size and age consistent with the current neighborhood and replace it with 2 homes of much larger size and scale. While the concept design is not currently under review, according to the applicant's attorney, it is necessary to consider them. During the same 5/21/24 webinar, the applicant stated that the home on Lot 506 is proposed to be at least 3300 square feet above grade and Lot 505 to be at least 2800 square feet above grade, excluding porches, decks, and garages. Homes of such a scale will overpower the much smaller existing homes on Upland Place.

The applicant states that *the proposed subdivision would meet the Council's stated goal of increasing the City's housing stock and would document the existing isolated wetland, thereby minimize impacts to that area moving forward, which is an ecological benefit to the Property, the surrounding neighborhood, and the City.*

I counter this statement that by cramming a home, which the developer stated in a meeting on during the same 5/21/24 discussion that he expected these homes would sell at upwards of \$2.5 million or more based on today's market, a questionable method of increasing the City's housing stock. Additionally, the wetlands are documented, and the developer does not need to create this subdivision to do so. Developing the current parcel is not an ecological benefit to the property, surrounding neighborhood and the City of Alexandria.

To accommodate the subdivision, if approved, the plans show that the city will be removing parking from the current street for the creation of these new lots. Removing parking from the public right-of-way to facilitate the development cannot be seen as a benefit to the surrounding neighborhood and the existing homes.

I ask that you take all this information into consideration and urge you to deny the request, as property is not suited for a subdivision with variations and can support one home.

Thank you for your time and attention.

Sincerely,
Eve Anderson
707 Upland Place

ATTACHMENTS:

1. City Response to CDSP2022-00020
2. City Response to Special Use Permit #2024-00015 with Subdivision #2024-00003

635 Upland Place
Special Use Permit #2024-00015
Subdivision #2024-00003

Staff has reviewed your submission and makes the following findings and comments:

PLANNING AND ZONING:

Findings:

1. Consider (1) extending the Upland Place public right-of-way (ROW) into the subject property and (2) reconfiguring the proposed lot lines so both lots have frontage. Staff finds this configuration more appropriate as access to each of the properties could be provided via public streets rather than private access easements. A sidewalk could also provide pedestrian access to the site.
2. To accomplish this, withdraw the SUP application and revise your SUB submission to include a request for variations pursuant to [Zoning Ordinance section 11-1713](#).

TRANSPORTATION & ENVIRONMENTAL SERVICES (T&ES):

Findings:

3. DROW, Traffic Engineering, Sanitary, OEQ, Floodplain, and Resource Recovery have no comments.

Comments:

4. Show 50' isolated wetland buffer around the delineated wetland feature. (SWM)
5. Verify that the utility information shown at the SE corner of site is correct and modify/correct if not. For example, plat appears to show a 18" RCP and a 12" RCP for the same line? And the flow arrows are also confusing given the presence of rip rap and the general configuration of that structure. (Survey)
6. Please include legend including line types (such as existing sanitary sewer lines for instance). (Survey)
7. Please include information for existing Subdivision. For instance, the DB/PG of the subdivision that created the existing lot. (Survey)
8. Please confirm that DB 199 PG 499 is the DB/PG for Block 4, Section 4 Glenmore) and add to the adjoiner subdivision label if so. (Survey)



DEPARTMENT OF PLANNING AND ZONING

Sent via E-Mail

August 9, 2022

M. Catherine Puskar, Esq.
Walsh, Colucci Lubeley & Walsh
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201
cpuskar@thelandlawyers.com

Re: Concept II Comments | Upland Place Homes
CDSP #2022-00020 | 635 Upland Place

Dear Ms. Puskar,

City staff completed a review of the Concept II plan submitted June 10, 2022, for the project at 635 Upland Place. Staff comments follow.

Based on these comments, staff recommends proceeding with a Concept III submission. We require significantly more information regarding stormwater treatment and flow to fully analyze whether the proposed development would account for localized flooding issues.

I'm available at 703.828.8979 or sam.shelby@alexandriava.gov to discuss.

Sincerely,

Sam Shelby
Urban Planner, Land Use Services, P&Z

cc: Robert Kerns, AICP, Division Chief, Development, P&Z
Nathan Imm, Principal Planner, Development, P&Z
Samantha Lockwood, Senior Planning Technician, P&Z
Brian Dofflemyer, P.E., Development Review Manager, T&ES
Donna Ferguson, Engineering Aide II, T&ES

Please respond in writing to the following comments:

PLANNING AND ZONING:

Findings:

1. The Concept II plan shows a reconfiguration of the subject property with a reduced right-of-way (ROW) width and cul-de-sac diameter. Staff generally supports the narrower ROW, as the proposed street extension would not be a through street and would only access four single-family dwellings. The narrower width would match the width of the existing right-of-way that provides access to the subject property. This configuration also reduces impervious surface on the site. However, City Code section 5-2-4 requires a minimum 50-foot width (see also finding #26 and comment #30, below). T&ES staff also states that stormwater treatment must be located within the ROW (see comment #37) and that parking shall not be permitted along the new ROW (comment #41). Given all this, and that Fire Department staff have asked for additional detail regarding emergency vehicle maneuvering (comment #61), staff recommends exploring a ROW that meets City standards. A wider ROW may provide an opportunity for on-street parking and for increased landscape screening between the subject property and the properties to the south. If this is not a viable option, the applicant may apply request deviations from these requirements either through the process laid out in Zoning Ordinance section 11-416 and/or 11-1713.
2. Upon receipt of the tree and vegetation survey (comment #8), staff may ask for preservation of certain species, where feasible. See also comments provided by RPCA (finding #48) and T&ES (comment #22).

Comments:

3. **REPEAT COMMENT:** Provide a tree and vegetation survey pursuant to the City's Landscape Guidelines.

TRANSPORTATION & ENVIRONMENTAL SERVICES (T&ES):

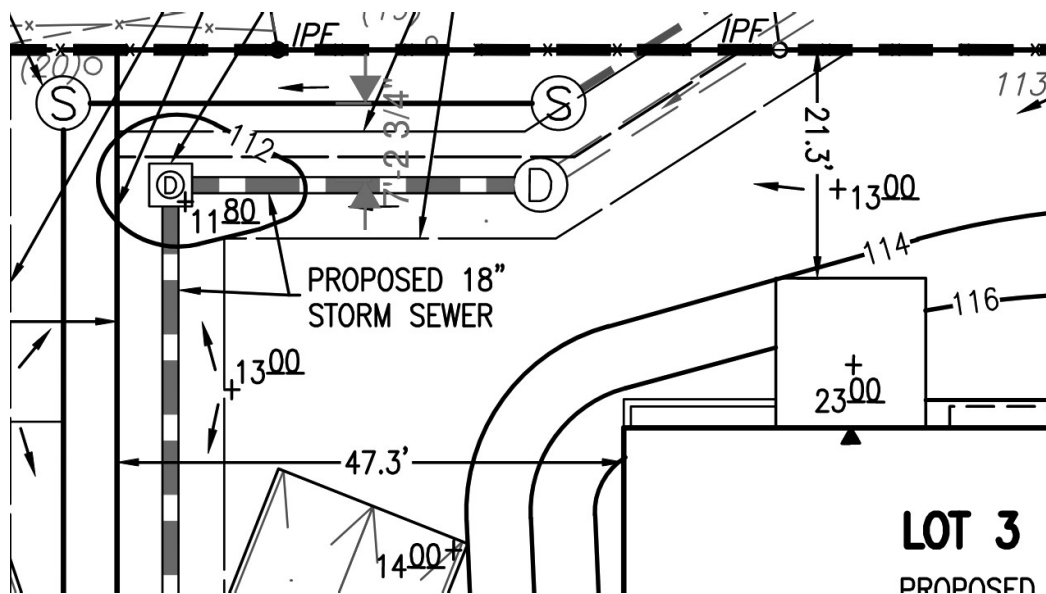
Findings:

4. Floodplain and OEQ have no comments.
5. VAWC, DASH and Resource Recovery provided no comments.
6. Note that the owner takes maintenance responsibility for any proposed driveways within any public easements. If maintenance is required in the future for sanitary or storm sewers all private improvements within either of the easements will be removed and replaced at the expense of the property owner. (DROW)
7. Consider providing flood proofing measures as the existing storm drain system is inadequate to convey the 10-yr storm event. (DROW)

8. Please submit preliminary subdivision plat for review along with first Completeness/Prelim plan submission (or with SUB case if appropriate). (Survey)
9. Applicant is proposing a public street that does not meet minimum width requirements per City code. Applicant will continue to coordinate with City as to possible acceptance of public street. (Survey)

Comments:

10. The maximum acceptable yard slope within grass is 3:1. Please ensure no slopes exceeds this limit particularly the slopes that tie to the existing grade at the park area, at 703 and 707 Upland Place and in the south side of the cul-de-sac. (DROW)
11. Provide a horizontal separation of 10-feet (edge to edge) between a storm or sanitary sewer and a water line. However, if this horizontal separation cannot be achieved, then install the sewer and water main in separate trenches and set the bottom of the water main at least 18-inches above of the top of the sewer. If both the horizontal and vertical separations cannot be achieved, then use Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 for the sewer pipe material and pressure test it in place without leakage prior to install. (DROW)



12. Complete a drainage study and adequate outfall analysis for the total drainage area to the receiving storm sewer that serves the site including runoff generated by the site and flowing through the site. If the existing storm system is inadequate, propose BMPs and improvements to discharge to an adequate outfall for the 10-year 24 hour storm to the required extent of analysis. This may require additional retention/detention even if post development stormwater flow from the site is less than pre-development flow. Include an adequate overland flow analysis for the 100-year storm. (DROW)
13. The public cul-de-sac shall meet City standards including City Code section 5-2-4. The applicant may explore the option of proposing a private street extension. (DROW)

14. An easement vacation may be required to allow building construction as proposed. (DROW/Survey)
15. Adjust the layout of the storm and sanitary systems to reduce the number of the manholes where feasible. (DROW)
16. Sheet 6. VRRM spreadsheet. The existing conditions of the site are open space/forested, not managed turf. Update the VRRM spreadsheet predevelopment landcover to 0.99 acres of forest/open space and 0.00 acres of managed turf. (SWM)
17. This site should strive to preserve more of the open space/forested area and limit clearing and grading. Additional trees should be planted on site to improve conditions. (SWM)
18. The treatment for the public road must be located within the right of way and designed per the City's Green Streets and Sidewalks guidelines. The current location of the roadway treatment is not supported by staff. In addition, private water cannot be routed to public ROW treatment unless the HOA intends to maintain the ROW treatment area. Any permeable pavement in the ROW must be maintained by the HOA. (SWM)
19. This area has known flooding conditions. The characteristics of the sub watershed where this parcel is located is approximately 6.4-acres in drainage area. The concentration point of which drains to the rear of 723 Upland Place. Currently, there is some storm sewer running through the drainage area and through 723 Upland Place. This storm sewer is 18" diameter pipe and collects runoff from a larger drainage area of approximately 14-acres and is undersized for any rain event larger than about a 2-year storm. Consequently, runoff from the local 6.4-acres that enters 723 Upland Place is predominantly from overland flow. Drainage from the 6.4-acres has no other path and overland relief has no other path due to the local topography. Of the 6.4-acres draining to 723 Upland Place, 3.9-acres drains directly into the 1-acre considered for development. This 1-acre serves as significant runoff attenuation before the runoff exits and enters the property at 723 Upland Place. The proposed project would effectively remove all attenuation of the forested property, making runoff conditions considerably worse under all conditions for 723 Upland Place if no significant detention/retention is included in the development. Also, under conditions that exceed the capacity of the inlets, or clogged inlets at Southview Terrace and Hilltop Terrace will trigger overland relief towards 723 Upland Place for the 7.14-acres to the north. Runoff calculations must account for the loss of attenuation from this proposed development for the entire subshed. In order to alleviate known and future flooding conditions that may be worsened by this development, significant additional detention and retention must be added to the site. (SWM)
20. City staff recently installed drainage improvements in the easement on this parcel that are not accounted for in the plan. Update the plan to show these improvements (SWM)
21. Prior to preliminary submission, perform an environmental assessment on this site to determine if any wetlands or intermittent streams are present. (SWM)

22. On sheet 4, there is only one “No Parking” sign which is not enough to prevent cars from parking along the cul-de-sac. Provide more signage to enforce the restriction. (Traffic Engineering)
23. Provide a completed curb with a crosswalk at the end of the spur back across to the main sidewalk on Upland Place like shown below. (Transportation Planning)



24. **REPEAT COMMENT:** The proposed sanitary sewers on the project site shall be designed per city’s design guidelines and they shall have a design capacity equal to or greater than the capacity of the existing sanitary sewer that’s to be abandoned as part of the project. (Sanitary)
25. Provide a capacity evaluation of the proposed sewers to make sure they have adequate capacity to convey the design flow. (Sanitary)
26. Provide minimum 15ft easement for sanitary and storm sewer lines. (PWS)
27. It appears that a new dwelling is proposed to be built on top of the existing sanitary sewer easement as shown on sheet 3. Please address. (Survey)
28. Proposed lots (including those currently labeled as Outlots on plat) are presumably required to follow all requirements from relevant Code (including Subdivision Ordinance) in terms of minimum lot area, building restriction lines, etc...permission from P&Z and other pertinent departments would be required for any variation from requirements. (Survey)
29. Incorrect instrument number in title block of plat: #20003892 is not an instrument in the land records, please replace with correct instrument # (which appears to be 200003892 please verify). (Survey)
30. Legal description in instrument #200003892 does not appear to match annotation on plat for subject parcel, and no other deed references are found on plat. Please include Deed Book and Page for Subdivision that created subject lot and advise as to the difference in lot line lengths as shown on current/concept plat compared to instrument #200003892. (Survey)
31. Please clarify Deed Book and Page of the recorded document that dedicated (in fee simple) the alley to the south for public use. (Survey)

ARCHAEOLOGY:

Findings:

32. **REPEAT FINDING:** This one-acre, largely overgrown and forested lot, is located approximately 200 ft. to the north of the walls of what was once Fort Ellsworth, a fort erected by the Union Army at the beginning of the Civil War. Numerous period maps indicate that over the course of the war, Union soldiers camped around the fort at times. Therefore, there is a high degree of possibility that the one-acre property may contain archaeological evidence of activity related to the Civil War in Alexandria. Prior to the Civil War, this property was part of a small plantation owned by the Benjamin Dulaney family beginning in the 1770s. (Archaeology)

Comments:

33. **REPEAT COMMENT:** If this project is a federal undertaking or involves the use of any federal funding, the applicant shall comply with federal preservation laws, in particular Section 106 of the National Historic Preservation Act of 1966. The applicant will coordinate with the Virginia Department of Historic Resources and the federal agency involved in the project, as well as with Alexandria Archaeology. (Archaeology)
34. **REPEAT COMMENT:** Hire an archaeological consultant to conduct a formal metal detector survey of the one-acre property. Alexandria Archaeology will write a Scope of Work for this study that the applicant can share with potential consulting firms to obtain competitive bids. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the City of Alexandria Archaeological Standards. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented. The Archaeological Evaluation and implementation of the Resource Management Plan shall be completed prior to submission of the Final Site Plan unless archaeological work is required in concert with demolition and construction activities, which must be demonstrated to the satisfaction of the City Archaeologist. (Archaeology)
35. **REPEAT COMMENT:** The Final Site Plan, Grading Plan, or any other permits involving ground disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance) shall not be released until the City archaeologist confirms that all archaeological field work has been completed or that an approved Archaeological Evaluation plan and any required Resource Management Plans will be implemented to recover significant resources before or in concert with construction activities. (Archaeology)
36. **REPEAT COMMENT:** Call Alexandria Archaeology (703/746-4399) two (2) weeks before the starting date of any ground disturbance so that an inspection or monitoring schedule for City archaeologists can be arranged. The language noted above shall be included on all Final Site Plan sheets involving any ground disturbing activities. (Archaeology)

37. **REPEAT COMMENT:** Call Alexandria Archaeology immediately (703.746.4399) 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. The language noted above shall be included on all Final Site Plan sheets involving any ground disturbing activities. (Archaeology)
38. **REPEAT COMMENT:** The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all Final Site Plan sheets involving any ground disturbing activities. (Archaeology)
39. **REPEAT COMMENT:** The final certificate of occupancy shall not be issued for this property until the final archaeological report has been received and approved by the City Archaeologist. (Archaeology)

Archaeology Code:

40. **REPEAT COMMENT:** All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance. (Archaeology)

FIRE DEPARTMENT:

Findings:

41. The following comments are for concept 2 Stage 1 Rev.1 only. Additional comments may be forthcoming or current comments deleted once the Applicant provides supplemental information for review. Please direct any questions to Ray Overkott at 703-746-4256 or raymond.overkott@alexandriava.gov.
42. **Provide turning movement with apparatus staying in the lane approaching the cul-de-sac going right to left and leaving the cul-de-sac.** Show fire apparatus vehicle turning radius based on the following specifications:
 - a. Turning Radius – Wall to Wall = 44 feet 6 inches
 - b. Curb to Curb = 36 feet 5 inches
 - c. Inside turning radius = 20 feet 3 inches
 - d. Overall Length – 46 feet 9.25 inches
 - e. Overall Width – 101 inches
 - f. Wheelbase from front axle to both rear axles – 257 inches
 - g. Tandem axle spacing – 55” CL of axle to CL of axle
 - h. Gross Weight – 80,000 pounds as built with no equipment or water gross weight

- i. Angle of Approach – 9 feet 7 inches
- j. Angle of Departure – 10 feet 8 inches
- k. Ramp Break Over – Break over angle is 4.42°

RECREATION, PARKS AND CULTURAL ACTIVITIES:

Findings:

- 43. Based on the concept plan, there will be significant loss of existing vegetation with the current proposal. Staff strongly encourages the applicant to review the proposed layout of the site to minimize impacts to existing vegetation and to maximize preservation of contiguous tree canopy.

Comments:

- 44. A Tree and Vegetation Survey is required for all projects. The survey shall be prepared by an Arborist professionally certified by the International Society of Arboriculture (ISA) or an Arborist professionally registered with the American Society for Consulting Arborists (ASCA) and must inventory and identify trees on the project site and within fifteen (15) feet of the project limits (including offsite areas). The size of each tree must be documented according to AmericanHort (formerly American Nursery & Landscape Association). The condition of each tree must be included, using the methods outlined in the most recent version (10th edition) of the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal. Provide notations regarding the likelihood of the tree's ability to survive construction activity for trees located near the edge of the Limits of Disturbance or Tree Protection Area. Include information on individual plants or groups of listed invasive species as listed within Chapter 6 of the City's Landscape Guidelines.
- 45. A Tree and Vegetation Protection Plan is required. The Tree and Vegetation Protection Plan shall be prepared by an arborist professionally certified by the International Society of Arboriculture (ISA), or an Arborist professionally registered with the American Society for Consulting Arborists (ASCA). Additional comments may follow after this is provided.
- 46. Include the extent of critical root zone (CRZ) for individual trees and/ or groups of trees (refer to City Standard Landscape Details). This will help determine the extent of the impact on onsite trees to be saved and offsite trees.
- 47. When development proposes disturbance within the CRZ of existing vegetation located on or within fifteen feet of the of subject property line the following must be provided prior to application of a building permit:
 - a. A letter provided to the neighboring property owner(s) that includes:
 - i. Notification of construction impacts and potential for loss or damage to existing trees on the neighboring property.
 - ii. Timing, scheduling, and/ or phasing of the project
 - iii. Proposed mitigation and remedial measures should loss or damage occur

- b. Certified proof of delivery for the letter (s) shall be provided to the City.
 - c. The neighboring property owner(s) must notify with City and the applicant of issues or concerns with the proposed mitigation and remedial measures within ten business days of the receipt of the letter.
 - i. If concerns are raised by a neighboring property owner within this time frame, the applicant, and the neighboring property owner shall work together to achieve a mutually agreed upon approach for the mitigation of damage to the trees and proposed remedial measures.
 - ii. If the applicant and/ or the City is not contacted by a neighboring property owner within this time frame, the mitigation and remedial measures proposed by the applicant shall be considered accepted by the neighbor.
48. Existing trees shown in the tree inventory plan should be identified as to be preserved or removed. If trees are shown to be preserved, a preliminary tree preservation plan should also be provided. Specifically, tree 47 is shown outside of the Limits of Disturbance, but not to be removed; the disturbance of construction to tree 47 would greatly impact the tree.
49. If trees to be retained are impacted by the project, additional tree preservation measures are needed. For example, root pruning should be designated for areas where the LOD intersects trees to be retained. Preservation measures for off-site trees that could be impacted should be considered.
50. Include demo plan with trees to be removed explicitly stated.
51. Planting the same genera or species multiple times in a row will leave the site more vulnerable to catastrophic loss from a single insect or disease. Please alternate plantings with no genera or species repeated more frequently than every 4th tree. Additional species could be included to increase diversity. Consider use of less common species where possible.
52. There is a singular tree well with trees to be planted on either side. Please rearrange trees if a tree is to be planted within the tree well. Please include the soil volume of the tree well.
53. Please utilize the city's standard plant tabulations template for canopy coverage, natives, and biodiversity. The template can be found here: <https://www.alexandriava.gov/uploadedFiles/recreation/ParkPlanning/PlantTabulationsLandscapeGuidelines.xlsx>
54. To maintain the biodiversity standards, diversify genera and species selection. Quercus and Nyssa are over the maximum percentage of genera. Quercus coccinea and Nyssa sylvatica exceed the maximum species percentage.

**Petition to the City of Alexandria's Planning Commission
Regarding Proposed Subdivision of 635 Upland Place
Submitted May 24, 2024**

The undersigned residents of the neighborhood bordered by S. View Terrace and Upland Place, within the City of Alexandria, have serious concerns regarding an application submitted to the Planning Commission by Windmill Hill, to subdivide the property at 635 Upland Place into two lots to facilitate the construction of two houses. Our concerns include:

Water Issues. There are existing flooding and stormwater management issues due to water from four acres draining into the 635 property (as noted in the City's response to a 2022 concept plan submitted by the same applicant). New building could exacerbate these issues.

Variations. Rather than reducing the size of the proposed homes to meet existing City requirements pertaining to property frontage and side yards, the applicant is requesting a variance, citing that the existence of the isolated wetland places an "unreasonable burden" on development and enjoyment of the property. While the existence of the wetland may impact the builder's plan and associated profits, we don't believe this warrants a variance.

Conformity. The variations requested would lead to property lots that don't conform, as required by City code, with the surrounding neighborhood.

Parking/Emergency Access. It is unclear whether parking on the road leading to 635 Upland Place would be eliminated to ensure adequate fire and emergency access to the proposed houses. Depending on the outcome, this could cause parking conflicts—especially if potential homeowners have more than two cars each—with neighbors' located to the east of the 635 property.

We appreciate the Council's attention to our concerns and look forward to its response on how it will address these issues.

	Resident Signature	Print Name	Address	Email
1		Marc Russo	724 Upland Place	maruss2@gmail.com
2		Tessa Hall	132 Hilton St	tehall142@gmail.com
3		Andrew Dickson	132 Hilton St	andrewwd80@gmail.com
4		Sarah Johnson	128 Hilton St.	johnson.sarah.92@gmail.com
5		Charlotte Spinner	1164 Moncure Dr	stotesker@gmail.com
6		Corey M. Thang	168 Moncure Dr	
7		Brian Hattery	201 Moncure Dr	bwhattery@gmail.com
8		Maude Lee	201 Moncure Dr	"
9		Ashley Daniel	731 Upland Pl	ashley_aronovitch@gmail.com
10		RAYMOND & DANIELLE	731 UPLAND PL	ETGSHADDO@HOTMAIL.COM
11		KEVIN O'BRIEN	156 Moncure Drive	gringodine@hotmail.com
12		RANDY COLE	156 MONCURE DR	randy.cole.12@gmail.com
13		David Bentzke	715 Upland Pl	david@customerservice.com
14		JOHN ZAVARELLI	606 OPLAND PL	jzav23@yahoo.com
15		Anne N. Richardson	602 S. View Ter	Costumeandtextile@gmail.com
16		Kevin Parks	719 UPLAND PL	magtf1@gmail.com
17		Ruth McCormick	723 Upland Place	
18		Eve Anderson	707 Upland Pl	eve.anderson23@gmail.com
19		Fletcher Cork Bruegger	621 Upland Pl	fletcher.c.bruegger@gmail.com
20		Mark Bruegger	621 Upland Pl	bruegger34@yahoo.com
21		Kathy Williams	605 Upland Place	kathobwilliams@gmail.com
23		Elizabeth J. McKie	711 Upland Pl.	beth.j.mckie@gmail.com
24		JAMES EDWARDS	711 UPLAND PL.	jhedwards112@gmail.com
25		Robert McGill	716 Upland Pl	rkigashka@gmail.com
26		Alex Manning	739 Upland Pl	alexpmanning@gmail.com
27		Ashley Manning	739 Upland Pl	ashley.damron@gmail.com
28		KRISTEN ABEL	735 Upland Pl	kristenabel@gmail.com

	Resident Signature	Print Name	Address	Email
29		622 S. View	623 UPLAND PI	
30		Colleen Broderick	623 UPLAND PI	
31		THOMAS KNIGHT	7	
32		Jennifer Smith Hamilton	708 Upland Place	
33		Eric A. Badertcher	703 Upland Place	
34		DENNIS JOATS	608 South View	
35		Jim Lager	606 " " TER	jlager@Comcast.net
36		Maria Soledad Pellegrini	604 South View Ter	
37		TIM HANRAHAN	600 S. VIEW TER	
38				
39	Laura Cunningham	Laura Cunningham	710 S View Terr	
40		Jarrod Backous	619 Upland Place	Jarrod.backous@gmail.com
41		Marcia + Derek August	612 S. View Terr	
42		Lynne + Keith Imbay	700 S. View Terr	
43		Hajime Haderski + Kiki Rizzo	614 S. View Terr	
44		Virginia + Bill Kalish	610 S. View Terr	

May 23, 2024

Re: SUB2004-00003 635 Upland Place

Dear Members of the Planning Commission:

We are adjacent neighbors to 635 Upland Place and would like bring to the Commission's attention our major concerns regarding the proposed subdivision and associated variation requests that you will be considering at your meeting on June 4, 2024.

We live at 623 Upland Place and have lived here 32 years and we are direct neighbors to the property you are being asked to review. 635 is the last of four homes that comprise a small extension of Upland Place. The road narrows as you pass our home and then becomes a single lane ending at 635. This home is the original home built on Upland Place.

The applicant, Windmill Hill Designs, submitted plans to the Planning Department in 2020 to build four new houses on this property. Today their plan is for two houses but the issues that prevented them from moving forward in 2020 are still relevant today. In particular we ask that you consider the following:

Variation Request for Frontage:

The request to subdivide this property requires the Planning Commission to approve a variation in lot frontage from 40' to 11.3' for each house - almost a 75% variance from Code. The 11.3 driveway becomes the frontage. This limited frontage is inadequate for even the most mundane purposes such as where will the new owners place their trash cans on trash day to major issues of concerns such as accessibility for emergency services, if needed. We are discussing a dead end road with limited maneuverability.

Parking:

Parking in Alexandria is at a premium. Decisions to buy or not buy a home sometimes boil down to whether there is adequate parking. Parking will be eliminated from our home to the end of the street. We do not believe that we or our neighbors should be penalized by losing parking rights for the benefit of a developer to build two houses. If this application moves forward, we believe that parking will be taken away from the remainder of the street when the Transportation Division becomes involved and decides that our substandard road needs to be available for fire and emergency vehicles. Approving this application today will be the beginning of many challenges and compromises that we will most probably be asked to make in the future.

Safety:

The increased traffic on what is already a substandard road creates safety issues for the neighborhood and puts at risk the young and old alike that enjoy the small park that

divides Upland Place into two sections. The neighborhood is already dealing with an increase in vehicles due to the traffic pattern changes relating to access to Telegraph Road and this buildout will further compound the issue.

Non-Conformity:

The current home at 635 is to be replaced with two houses neither which will conform to the other homes on the street because of the lack of frontage and the deep setback. The two proposed houses would have to be built one behind the other instead of the traditional side-by-side configuration. The house on the front lot will face our home and the house situated on the back lot will be perpendicular to our home. This is a bizarre plan and out of character for our street as well as neighborhood. We realize that the actual placement of the proposed houses is not an issue that you are deciding at this meeting but once again, approving the subdivision request sets the stage for the only configuration that will work on the property for two houses and the configuration simply does not conform —the non-conformity issue isn't going away. Ultimately, this out of character configuration will have two houses looking onto our property.

Option:

This property is best suited for a single family home because of the limited buildable area due to the wetlands that covers a majority of the property. We would welcome one single family home as an enhancement to the neighborhood and it would properly honor this treasured property. This option would allow adequate space for the new construction and eliminate most of the concerns stated in this letter. The current owner of the property had house plans prepared for just this purpose and it would be the best fit for the neighborhood.

In the end, the developer will not live in the new environment he will have created along with the challenging issues his current plan will create for our neighborhood.

We ask any Commissioner who has not taken the opportunity to visit the location to do so before the June 4th meeting to see first hand the complex issues in this case as your decision will impact an entire neighborhood.

Thank you for considering our comments and we look forward to participating in the discussion at that Planning Commission meeting on June 4th.

Sincerely,

Thomas Knight - 443 722-5757
Colleen Broderick - 703 946-5507
623 Upland Place

cc: Sam Shelby
Lanning Blazer



05/21/24

Planning and Zoning Commission Members
Karl Moritz, Director of Planning and Zoning
Tony LaColla, AICP, Division Chief, Department of Planning and Zoning
Sam Shelby, Principal Planner, Department of Planning and Zoning

RE: SUB2004-00003_635 Upland Place

Dear Members of the Planning and Zoning Commission:

I am writing on behalf of the Taylor Run Citizens' Association regarding SUB2004-00003_635 Upland Place which comes before you on June 4, 2024.

On May 15, 2024, the TRCA met and discussed SUB2004-00003_635 Upland Place. The matter was referred to the TRCA City Engagement Committee. The TRCA City Engagement Committee agreed to write a letter expressing concerns. The TRCA maintains Upland Park, in partnership with City Parks and Recreation Adopt-a-Park program, which abuts the project area.

Our concerns are as follows:

FLOODING: This area has known flooding conditions. Per Storm Water Management Comments 6.24.22 in response to CDSP2022-00020 filed by this same applicant.

“The characteristics of the sub watershed where this parcel is located is approximately 6.4-acres in drainage area. The concentration point of which drains to the rear of 7xx Upland Place (exact address hidden for privacy) Drainage from the 6.4-acres has no other path and overland relief has no other path due to the local topography. Of the 6.4-acres draining to 7xx Upland Place, 3.9-acres drain directly into the 1-acre considered for development. This 1-acre serves as significant runoff attenuation before the runoff exits and enters the property at 7xx Upland Place. The proposed project would effectively remove all attenuation of the forested property, making runoff conditions considerably worse under all conditions for 7xx Upland Place” These conditions will remain in effect and will do so, even if this current request is approved.

SAFETY: Creation of 2 lots with substandard frontage reduces access to emergency and fire services, increases traffic with low visibility and limited space to maneuver, likely requiring vehicles to back out, uphill to exit. This creates unsafe traffic conditions near a public park enjoyed by the community.

CONSTRUCTION: With the current street width of 32 feet and the current homes without driveways on the street, we have concerns about the feasibility of construction vehicles and equipment to access the subject property, given that street frontage requested is 11 feet and the average Ford

F350 Pick-Up truck is 8 feet wide. Construction equipment and delivery vehicles likely exceed 11 feet in width.

PARKING: The proposal includes removing parking from the public right-of-way and along the frontage of 623 Upland Place, directly adjacent to the property, thus removing parking from half of the current public right-of-way. Additionally, parking is not permitted from 606 Upland Place on both the east and west block face, as well as the southside of Upland Place extending to 701 Upland Place. Removal of additional parking to support the creation of 2 new parcels places an unnecessary burden on the current residents.

NEIGHBORHOOD CHARACTER: The applicant asserts that the subdivision fits the character of the neighborhood. The TRCA was unable to identify lots with substandard frontage and width and orientation with perpendicular lines in existence today. In fact, the current lot and existing home is in character with the neighborhood, which was created in 1908 (see attached, Upland Place was originally Mason Place). Additionally, the proposal drastically changes the neighborhood by cramming a second lot between the 600 block and 700 block of Upland Place and endangers the existing 120-year-old tree canopy and vegetation. One could even assert that development subsequent to 1909 in the establishment of the Glenmore area in the early 1940s conforms around the existing GW Park neighborhood.

WETLANDS: Verified wetlands on the property must be protected as environmentally significant. The TRCA is concerned that development, even with BMP protocol, the wetlands will be compromised. According to city experts this area flows directly into Taylor Run and eventually to Chesapeake Bay.

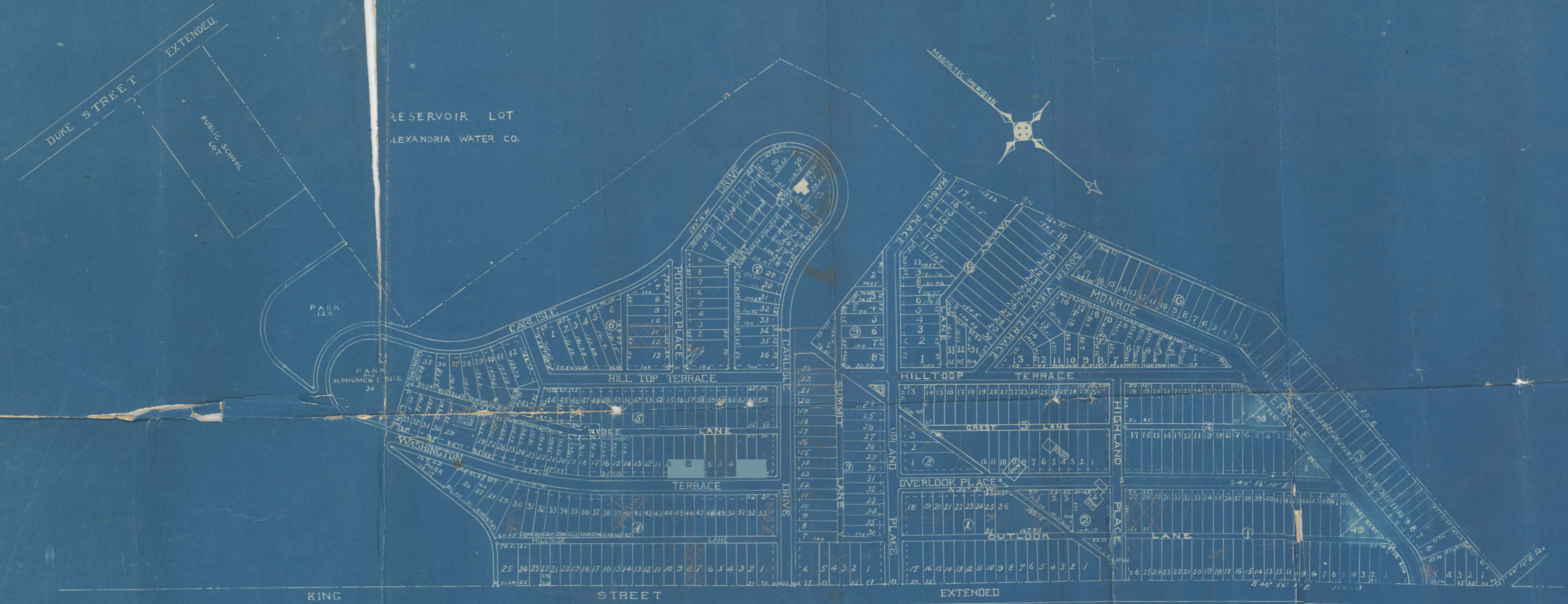
HISTORICAL SIGNIFICANCE: According to city archeology in response to CDSP2022-00020 filed by this same applicant (attached):

“This one-acre, largely overgrown and forested lot, is located approximately 200 ft. to the north of the walls of what was once Fort Ellsworth, a fort erected by the Union Army at the beginning of the Civil War. Numerous period maps indicate that over the course of the war, Union soldiers camped around the fort at times. Therefore, there is a high degree of possibility that the one-acre property may contain archaeological evidence of activity related to the Civil War in Alexandria. Prior to the Civil War, this property was part of a small plantation owned by the Benjamin Dulaney family beginning in the 1770s.”

We invite the members of the Commission to meet with us and visit the site in advance of the June 4, 2024, meeting.

Thank you for allowing the TRCA to express its concerns.

Elizabeth McGill
TRCA Vice President



RESERVOIR LOT
ALEXANDRIA WATER CO.

PARK
MONUMENT SITE
34



KING

STREET

EXTENDED

MT. VERNON AVE.

SECTIONS NO 1 and 2.

GEORGE WASHINGTON PARK

As subdivided by
WASHINGTON MONUMENT ASSOCIATION
OF ALEXANDRIA VA.

Designed and Surveyed
April - July 1908

SCALE

D. J. HOWELL
Civil Engineer
Washington DC.

NOTE:
Building restriction line along streets indicated thus - - -
Width of lots fronting on curved roadways or abutting on
curved lanes, are chord distances.

80-1
Reed
4-7-148

6617
13
191

May 24, 2024

City of Alexandria Planning Commission
City Hall
301 King Street
Alexandria, Virginia 22314
Via email: PlanComm@alexandriava.gov

Re: Subdivision #2024-00003
635 Upland Place
June 4, 2024, Meeting of the City Planning Commission

Members of the City of Alexandria Planning Commission:

I am writing to raise several issues for your awareness during consideration of application #2024-00003 to subdivide the property located at 635 Upland Place. The subdivision application is to be considered at the June 4, 2024, meeting of the City Planning Commission. The purpose of the subdivision is for the construction of two new residences where currently one, smaller residence exists.

My property at 723 Upland Place is just outside the property in question. I raise the following issues for your consideration:

1. Water impacts: The 635 property includes an isolated wetland that is protected by city ordinance. My property is directly affected by the water that emanates from the 635 Upland Place property during storm events. The city's Department of Transportation and Environmental Services (T&ES) is aware of the wetland on the 635 property and the water impacts on my property.

In the spring/summer of 2022, T&ES constructed a culvert to collect the water emanating from 635 Upland Place to prevent it from entering my property. The culvert is behind 719 Upland Place on the 635 Upland Place property in an area with a city stormwater and sanitation easement. I was awarded a city flood mitigation grant to off-set a very small portion of the tens of thousands of dollars I have had to spend to address the flooding emanating from 635 Upland Place.

Other residents of Upland Place have also dealt with flooding issues that emanate from 635 Upland Place and surrounding properties.

While the subdivision of the 635 Upland Place property in and of itself will have no direct impact on water issues emanating from their property, the construction of new residences most certainly may. While I am hopeful the city T&ES Department will try to mitigate the water issues if construction of the proposed properties at 635 Upland Place moves forward,

there are several issues the planning commission should consider before the decision to subdivide the property moves forward.

At this point in the process, we do not know what the footprint of the new properties or the grading plan will be. Given the ecological sensitivities of the property and the flooding issues it is known to create, the property footprint and the grading plan should be considered earlier in the process to make sure that it even makes sense to subdivide the property. A landscape architect and stormwater specialist should be consulted at the front end of the planning and approval process to give primary consideration to the grading and storm water issues, rather than having them considered as an after-thought.

2. Wildlife impacts: The 635 Upland Place property provides habitat and foraging areas for a variety of wildlife, including foxes, deer, raccoons, opossums, rabbits, frogs, a hawk, an owl, feral cats, and potentially more. If the construction of these two new residences goes forward, I would like to see a wildlife mitigation plan to ensure that the wildlife does not take up new residence in my yard either during construction or after new residents move into the new homes.

The secluded habitat found on the 635 Upland Place property is limited in Alexandria and some accommodation should be made to ensure the wildlife has a place to go that is not my backyard or my attic.

3. Parking: The section of Upland Place on which the 635 Upland Place property is located is an off shoot of Upland Place that does not meet standard city street widths. It is my understanding that if the development is allowed to move forward that parking in that off-shoot section of Upland place will be prohibited to allow emergency vehicle access to the properties that are being proposed. This means that current street parking for other residents of that off-shoot section of Upland Place will be eliminated and current residents will have no street parking in front of their homes. If this is allowed by the planning commission, I would find it to be extremely unfair to existing residents, especially since the new homes are to have off-street parking.

I appreciate your consideration of these issues – as well as others that are raised by neighbors of the community – to ensure the proposed development does not impact the well-being of the many longstanding residents in favor of the developer.

Sincerely,

Ruth Webb McCormick
723 Upland Place
Alexandria, Virginia 22314

From: [Christine Beinhacker](#)
To: [PlanComm](#)
Subject: Re: [EXTERNAL]Special Use Permit (SUP) and subdivision applications for 635 Upland Place- June meeting
Date: Tuesday, May 28, 2024 5:05:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Lanning,
Thank you for doing that.
-Christine

On Tue, May 28, 2024, 4:59 PM PlanComm <PlanComm@alexandriava.gov> wrote:

Thank you for sending this letter on behalf of SUB2024-00003 at 635 Upland Place. I will send a copy of this letter to our Planning Commission Staff and I will upload a copy of this letter to the docket for this item. Since the final docket has already been published, this letter will be attached under the staff report and presentation and will be listed as additional materials.

Thank you,

Lanning Blaser
Senior Planning Technician
Department of Planning & Zoning
301 King Street, Room 2100
Alexandria, VA 22314
703.746.4666 – Main

From: cbvahome@gmail.com <cbvahome@gmail.com>
Sent: Friday, May 24, 2024 6:09 PM
To: PlanComm <PlanComm@alexandriava.gov>
Subject: [EXTERNAL]Special Use Permit (SUP) and subdivision applications for 635 Upland Place- June meeting

You don't often get email from cbvahome@gmail.com. [Learn why this is important](#)

Dear Planning Commissioners

I'm interested in this application because my husband and I own one of the abutting properties on Upland Place. We've lived at 715 Upland Place for almost 25 years; our home is marked with a star on the map below. Please note, I've attached the same map in a few file formats in case the image below doesn't work since it is critical to understanding some of my concerns below.

The application proposes to:

1. subdivide this lot and also requests a special use permit to allow
2. insufficient frontage on both lots.

The application claims that the plan is compatible with the neighborhood and that there are no negative impacts to the neighborhood. Both claims are untrue.

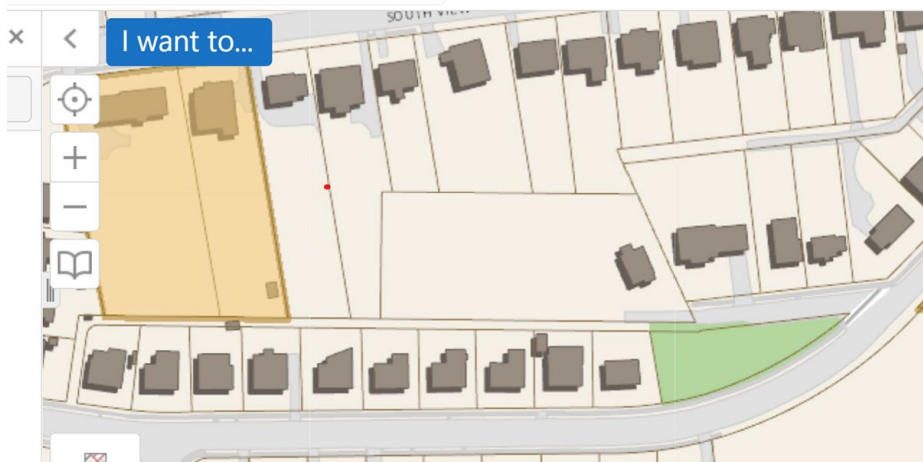
I attended the virtual community meeting held by the developer on March 7th and on May 21st. Based on the meeting and my review of the plans that were provided by the developer and distributed during the May meeting, I have several concerns related to the subdivision of the lot and the SUP. I took a screenshot of the map on the City's website to illustrate my concerns (sorry

my depiction of the wetlands is so crude):

NOT IN KEEPING WITH THE NEIGHBORHOOD

- There are no other homes in the neighborhood that have as little frontage as proposed here.
- There are no other properties in the neighborhood which would require emergency access through a passageway this narrow.
- The orientation of the structures on Lot 505 and 506 is not in keeping with the nearest neighbors, nor any abutting properties.
- Cramming the houses toward the northeast side of each proposed lot avoids the wetlands, but pushes the homes further and further away from harmonizing with the neighboring homes. There aren't any homes anywhere near us that do this so these would stick out like two sore thumbs.
- The structure on the proposed Lot 505 is also at a bit of a weird angle to the existing neighbors.
- The structure on Lot 506 is completely out of keeping with Upland Place.
- The size of the proposed houses are out of proportion to the neighborhood.

On that last point, what all the diagrams omit is the layout for homes on each of the abutting lots. The missing information obscures the perspective of the relative sizes of the nearby homes on Upland Place, like mine. The map attached to the permit request conveniently fades out so the size of our homes is not clear. I added the map below to show that the homes on Upland are small, relative to the two proposed houses. Again, those two houses are not in keeping with the size of houses in this neighborhood. The attorney for the developer said they would be **at least** 3,300 square (Lot 506) feet and **at least** 2,800 square feet (Lot 505)...but could be bigger. That's just too big for this neighborhood. In our case, when we bought our home in 1999, the total square footage was about 1,000 square feet. In 2011, we did a BIG renovation that brought our square footage all the way up to 1,753 square feet. Please consider this a part of the context in which you make your decisions.



THEY HAVE FRONTAGE TO USE

The proposal also seems to claim it is unfair for this property owner to be held to existing frontage

requirements, but there is an existing stretch of asphalt on the property that could be used as frontage. The proposal likely doesn't mention it because it would require reworking the plans, reducing the size of the houses, or perhaps eliminating one planned house.

LACKS EMERGENCY VEHICLE ACCESS

There is a direct risk of fire to a home built on either lot due to the limited frontage and lack of direct access for emergency vehicles. Access is difficult at best with frontage this small (this is a risk for the current house as well), so the Commission should not compound the problem by allowing an additional house. In fairness, I think the current house could and should be grandfathered in to allow them to use the current undersized frontage, since it has been in place since the 1930-40's, but any additional structure should adhere to all the same standards as any other new construction. Both safety and fairness call for upholding the current frontage requirements for a new structure.

TRANSFERS STREET PARKING TO PRIVATE PARKING

Everyone on Upland Place currently has the benefit of street parking, but if this plan were to be approved, the two properties would gain two off street parking spaces each, for a total of four spaces, while taking away existing street parking for neighbors on Upland Place. This isn't fair and it's a negative impact that should prohibit approval of both the subdivision and the special use permits.

STORM WATER MANAGEMENT INADEQUATE

This is a critical issue for the neighbors on Upland Place and has been for decades. Please verify that the plans adhere to City standards because the downhill slope of the property means that any non-permeable surfaces, like these houses and driveways, are likely to cause significant runoff toward the homes of neighbors downhill. The bio-retention ponds in the diagrams shown onscreen during the May meeting seem too small and poorly placed to handle our increasingly stormy weather. This is yet another reason to hold the owner/builder to the current City standards. There were no drainage pipes or sewers shown in the diagrams provided in the materials we saw. As a practical matter, gravity will pull any storm water downhill and we can't rely on a builder to mitigate it months or years down the line. We need assistance from the City to make sure runoff from 635 Upland doesn't land in our basements and exacerbate existing problems. *Now* is the time to prevent further water damage.

Please consider the points above and reject both the subdivision and the Special Use Permits.

Thanks very much for your consideration.

Sincerely,

Christine Beinhacker

715 Upland Place

Alexandria, VA 22314

703.362.2379 mobile

**DISCLAIMER: This message was sent from outside the City of Alexandria email system.
DO NOT CLICK any links or download attachments unless the contents are from a trusted source.**

May 31, 2024

Planning Commission
City of Alexandria
301 King St.
Alexandria, VA 22314

Re: Docket Item #8 Zoning Ordinance Subdivision cases are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal - Subdivision #2024-00003

To Whom It May Concern:

My partner, James Edwards, and I are the new owners of 711 Upland Pl as of this Spring 2024. We have only recently been made aware, following the purchase of our home, of the proposed development of the land adjacent to our property at 735 Upland Pl. Upon reading the proposal, we agree with the concerns that the other neighbors of Upland Pl. have expressed, including, but not limited to, nonconformity of proposed homes, destruction of wetlands and the tree canopy, significant risk of flooding, overcrowding of public street parking, and safety.

From our understanding, a proposal for this land was brought in past and subsequently denied and yet a new proposal for two homes to be built on this single parcel of land is being considered today. It's particularly concerning that this is being considered when the same issues are still present today. We do not feel the need to readdress the issues other neighbors have already brought to the Planning Commission's attention, but want to express our sincere concerns with each of these issues.

After reviewing the staff report regarding SUB-2024-00003, we would like to address the alley in discussion in the application and staff report:

A private alley used to run along the subject property's southern lot line. It was never improved for alley purposes. On January 10, 2024, the Alexandria Circuit Court granted the owners of 707, 711, 715, and 719 Upland Place ownership rights to portions of the alley directly adjacent to each of their properties. These portions of the alley were consolidated with the adjacent lots as shown in Figure 3, below. The courts have not determined the ownership rights of the remaining portion of the alley which runs along 703 Upland Place and the City-owned park.

We respectfully ask what the purpose of this land is to the application under review. As noted above, the court granted ownership rights to the 707, 711, 715 and 719 Upland Place after a full legal review of supporting materials.

Best,
Beth

Elizabeth J. McKie, resident of 711 Upland Pl.

May 23, 2024

To: Planning Commission, City of Alexandria
From: Minturn Wright, on behalf of neighbors on Upland Place,
South View Terrace, and Hilltop Terrace
Re: Response to application for subdivision SUB 2024-0003, 635 Upland Place (second
application, as revised to 5/16/24)

Introduction

The would-be builder of new houses on the lot at 635 Upland Place, with the consent of the lot's owner, has applied for a subdivision of the house lot into two lots (application p. 3¹). This application is a revision of the February 2024 application, itself a re-working of a 2022 application for subdivision of the same land (p. 7). Although a re-working of the earlier effort, which involved an application for a special use permit, the current application actually seems to say less than its predecessor. In short, there are quite a few problems with this application and the project of which it is a part.

Completeness of the application

The front page of the application form states that the application was signed by Catharine Puskar, who is identified as the applicant's "Attorney/Agent" (application p. 3). Page 5 identifies the agent in the same way, as does p. 6. Nevertheless, the "agent" section (p. 4), which asks if the applicant is represented "by an authorized agent, such as an attorney" and if so, asks for a city business license, is brushed off with a "N/A". No city business license is provided for any entity: not the applicant, the owner, or the agent. This application, despite being a repeat submission, is facially incomplete and should be denied on that basis.

Size of houses

The "Conceptual Layout" shows a house on proposed Lot 505 with a footprint of some 1,513 square feet, not including porches, deck, or any garage (no garage is depicted, but it strains credulity that a large new house in the Washington, D.C., metropolitan area would be built without one, with space for at least two cars). Assuming a house with at least two floors (typical), that gives a floor space of at least 3,026 square feet (not counting any basement)—enough to qualify for "McMansion" status.² The applicant's representatives have substantially confirmed the large sizes of the houses proposed.

¹ All references to the current application use the page numbers printed at the bottoms of the pages on the copy downloaded from the city's website, which are not consecutive from 1.

² Numerous sources define a McMansion as having at least 3,000 square feet, e.g., Lisa Smith, "McMansion: A Closer Look at the Big House Trend", *Investopedia*, Mar. 31, 2024; <https://www.investopedia.com/articles/pf/07/mcmansion.asp>, citing Trulia, "Are McMansions Falling Out of Favor?". See also "Defining a McMansion, Trait

The house on proposed Lot 506 is larger: about 1,800 square feet of footprint, again exclusive of porch, deck, or any garage. Two floors of such a house would have at least 3,600 square feet, not counting any basement. A house two floors (plus a roof large enough to cover such a house) high would dwarf the 1-1½ story houses nearby.

While the City has indeed expressed an interest in increasing its housing stock, as the application notes (p. 8), it is hard to believe that a couple of McMansions on a dead-end street stub, away from principal boulevards, are what the city has in mind.³ The \$2 million-range prices the applicant has mentioned would be far out of reach of the “affordable” housing market.

Parking

The application appears to ask (in the accompanying Conceptual Layout) that the city establish a no-parking zone on the stub end of Upland Place, apparently to protect the applicant’s street frontage and access. It is interesting that this requested no-parking zone extends along nearly the entire street frontage of 623 Upland Place, the adjoining parcel on Upland. The applicant seeks to force its neighbors to give up the street parking in front of their own house so that the applicant can build two houses on its own land. Unsurprisingly, it offers no account of what the neighbors think of this proposal, or what will happen whenever they—or the residents of the proposed houses—host a party.

Zoning Ordinance Section 11-1713

The application seeks to justify a variation from the zoning requirements by arguing that, *inter alia*, the “lot frontage and lot width requirements” would create “a substantial injustice” if the applicant was not given a pass to violate them (application p. 7). It gives very few details as to how this “injustice” would be wrought upon it, other than to say they preclude a two-lot subdivision, and provides no citations for its factual claims. The treatment of lot width is particularly nebulous.

The Zoning Ordinance’s definition of “substantial injustice” is that there would be “an unreasonable burden on the development” of the land in question “which outweighs the land use or land development purposes served by the specific zoning provision” in question (ZO § 11-1713(B)). The same section goes on to provide that an applicant has the burden of establishing **each** of the elements required for a variation (ZO § 11-1713(C)). Here, the applicant does not come close.

#1: Size”, *Legally Sociable*, Jan. 10, 2017; <https://legallysociable.com/2017/01/10/defining-a-mcmansion-trait-1-size/>; Brian J. Miller, “Competing Visions of the American Single-Family Home: Defining McMansions in the *New York Times* and *Dallas Morning News*, 2000-2009”, *Journal of Urban History*, Vol. 38, No. 6; April 9, 2012; <https://journals.sagepub.com/doi/abs/10.1177/0096144211435124>.

³ E.g., City Council meeting of Nov. 28, 2023.

ZO Section 3-405(B) provides that a lot in an R-5 zone must have a “lot width at the building line” of “50 feet”. The proposed lots are 67.50 feet wide for most of their length, narrowing as they approach Upland Place. From the Conceptual Layout, it is clear that these proposed lots already are at least 50 feet wide at the foremost point of the proposed houses (the existing lot is, of course, much wider). If, from some hidden flaw, these lots are not 50 feet wide at that point, the houses could easily be moved back a few feet or shrunk slightly to meet the requirement. The existing house on the existing lot easily meets this requirement, as would any reasonable house built in its place. There is no substantial injustice resulting from the width requirement. The argument fails on that ground. The frontage issue will be treated later.

The application’s statement of justification also claims, *inter alia*, that “the use and character of the resulting lots” would conform to the surrounding neighborhood, as required by Section 11-1713 of the ZO. It seeks to justify this claim by comparing this land, 635 Upland Place, to “many of the lots in the Frinks subdivision and across South View Terrace” (application p. 8) and claiming that the proposed lots (with their \$2 million McMansions) would be “consistent with other lots” in the neighborhood. It arrives at this conclusion by including in its consideration ten lots that do not adjoin this lot, particularly including seven lots that are on a street which this land does not adjoin, and are even on the other side of the street that it does not adjoin (application Exhibit B). Meanwhile, it entirely ignores six lots that this land actually **does** adjoin, each one of them fronting on Upland Place, the same as this lot. It is easy to see why these choices are made: the houses on land that actually adjoins 635 Upland Place are considerably smaller (see table) and more modest (most are 1½ stories) than the McMansions the applicant wants to build. The proposed big, tall houses are entirely out of character for Upland Place.

Address	Lot area (sq. ft.)*	Frontage (ft.)**	House area (sq. ft.) †
623 Upland Place	16,207 (3 legal lots, avg. 5,402 ea.)	80 (taken as one)	2,698
635 Upland Place	43,560‡	22	960 (currently)
703 Upland Place	5,304	74	1,152
707 Upland Place	5,110	63	1,856
711 Upland Place	5,204	63	1,960
715 Upland Place	5,182	62	1,558
719 Upland Place	5,304	62	1,375
<i>Average</i>	<i>5,289 (not including 635)</i>	<i>61</i>	<i>1,613</i>
Proposed Lot 505	22,035	11	3,036
Proposed Lot 506	19,538	11	3,600

* From the city real estate tax database.

** From Tax Map 062.02 (addresses corrected), except No. 635’s is from the application; all are to the nearest foot.

† From the tax database, above-grade living area.

‡ This figure, which also appears in the application, is contradicted by the plat (p. 1) accompanying the application, which gives an area of 41,573 square feet.

In addition, the lots at 635 Upland Place, both existing and proposed, are significantly larger than the other legal lots on Upland Place. Compared to its Upland Place neighbors, the existing lot is a whopper, and the proposed lots are whoppers as well. The houses envisioned for these lots are the true whoppers: wildly out of scale for the neighborhood. This is all the more reason **not** to allow the proposed lots to have substandard frontages. The proposed lots and houses are distinctly **in**consistent with the character of their Upland Place neighbors. This prong of the Section 11-1713 test fails. The application should be denied.

The application's Statement of Justification further claims that three "special circumstances" apply to this land to justify the variances sought. These will be treated individually.

"Extremely rugged topography" (ZO §11-1713(A)(1)): the application claims the lot "drops over 10 feet in an 80 foot distance".⁴ This is about a 12% grade, which is hardly "extremely rugged" (especially considering that the slope appears to be quite smooth); indeed, in the ambit of urban development, it is at the edge of a "moderate" slope.⁵ In addition, this slope occurs in only one place on the 0.954-acre lot. Furthermore, and perhaps more importantly, "extremely rugged topography" is a reason for **less** density, not more, as the danger of erosion, landslide, damage to wetlands, etc., is that much greater. The variation should not be granted.

"Irregularity in the shape of the parcel" (ZO § 11-1713(A)(2)): the application claims that the shape of the parcel prevents conformance with normal frontage requirements. It is curious that the applicant complains at all about the **shape** of the existing lot: it is a relatively normal trapezoid, much like many of its neighbors, and has been since the 1933 subdivision. The lot is not sinuous, or overly long and thin: its 135-foot width allows for an area-to-perimeter ratio of 46.17, pretty close to that of a square of the same area (ratio = 50.97)⁶. If there is a problem with the shape of the proposed lots, the applicant has only itself to blame for drawing the dividing line. The applicant has no business complaining about the shape of these lots. The variation should not be granted.

"Insufficient frontage" (ZO § 11-1713(A)(3)): the application posits that there is not enough street frontage, on a too-narrow street, for the applicant's desires. Once again, today's actors seek to blame their predecessors (and, by implication, the city for allowing the 1933 subdivision and the street)⁷ and to use that as justification for variances in the rules: they seek to divide one unconforming lot into two even less conforming lots. While it seems that this lot's non-conformance with the frontage requirements was "grandfathered" when the Zoning

⁴ It appears that this supposedly precipitous drop occurs where the applicant wishes to build a house on its proposed Lot 506, so clearly it is not upsetting those plans.

⁵ Ralph W. Kiefer, "Terrain Analysis for Metropolitan Area Planning", *Journal of the Urban Planning Division, Proceedings of the American Society of Civil Engineers*, Dec. 1967.

⁶ Put another way, this lot's squareness is 0.91 out of a maximum possible 1.0, or 91%.

⁷ Evidently, neither the subdividing landowners nor the city saw fit to have this lot adjoin or front on Valley Lane or South View Terrace, both of which bounded the Frinks tract (see Exhibit B to the application), or to establish easements connecting this lot to either of those public ways. This failure should not be rewarded.

Ordinance was adopted, such a grandfathering only applies as long as the grandfathered condition persists (See ZO § 12-500). The previous subdivisions were performed by the owners of the lot, in full knowledge of what they were doing. The applicant and the present owner, which knew what it was getting into when it bought this land, should not be casting themselves as the victims.

Further as to the frontage issue, the Zoning Ordinance actually addresses the issue of “substandard residential lots” that are not in conformity with lot sizing and similar requirements, which situation existed before June 24, 1992 (ZO § 12-400). As the application admits, the lot at 635 Upland Place has existed since 1933, well before the threshold date.

The Zoning Ordinance’s Article XII (Noncompliance and Nonconformity) provides, in pertinent part, that an R-5 lot (such as this one), which has been in existence since December 28, 1951 (as this one has), and has “width at the front lot line or front building line than the minimum required for use in the zone where it is situated” (defined as “substandard”) “may be developed **only with a single-family dwelling** and its accessory buildings” (ZO § 12-401, emphasis added). The same Code section requires that the substandard lot may not be owned by a person who owns adjacent land, and that a special use permit must be granted, with the City council finding that the proposed construction “will not unreasonably impair an adequate supply of light and air to adjacent property, will not diminish or impair the established property values in the surrounding areas, and will be compatible with the existing neighborhood character.” Unsurprisingly, the application makes no mention of this requirement. The applicant had filed an application for a special use permit, dated February 27, 2024, contemporaneous with an earlier subdivision permit, but withdrew the SUP application, apparently preferring to “divide and conquer” in an effort to maximize profits. The applicant’s pivot to a subdivision-plus-variance request, rather than a SUP, is a procedural gambit that does not address the on-the-ground concerns pertaining to the SUP. The City should not allow such a piecemeal development: the long-established neighborhood would die the “death of a thousand cuts”.

The Planning and Zoning Staff comments on an earlier iteration of this application suggested that the Upland Place right of way could be extended into the current lot to allow both of the proposed lots to have adequate frontage, and that a sidewalk could provide pedestrian access. In fact, the City has maintained a paved extension of Upland Place extending approximately 85 feet (judging from the preliminary subdivision plat) onto the lot comprising 635 Upland Place for years. The staff commented that such an extension of Upland Place would be “more appropriate” to this proposal and suggested a revised submission. While the application was resubmitted, it is clear that this suggestion received little or no consideration, despite the existence of the *de facto* street extension. Evidently, the applicant is unwilling to give up even a little of its land area—even if already in use as a street—to comply with long-standing zoning requirements. The lot that comprises 635 Upland Place should continue in its current size, shape, orientation, and frontage. The variation should not be granted.

Mitigation

While it is clear that no justification exists for this subdivision (beyond that the applicant wishes to make more money), the applicant makes a “big ask”: that the city and the neighbors allow a significant increase in density, footprint, and height, wholly out of keeping with the neighborhood, give up parking, and suffer a loss of their own house values. If the City allows this subdivision—which the neighbors earnestly hope is not the case—the applicant should be required to provide some consideration to the neighbors to (partially) compensate them, such as planting a heavy buffer of trees and bushes along the southern and eastern boundaries of the original lot to protect the quiet enjoyment of the residents of Upland Place. If the applicant cannot or will not agree to such a consideration, or if the subdivision authorities cannot require it, the application should be denied instead.

Summation

The applicant wishes to tear down a 1940’s house, one that is highly consistent with its neighbors in size, construction, and age, and replace it with multiple large houses which would be wholly out of the character of the neighborhood. It claims it faces an “unreasonable burden” in doing this, simply because it cannot build **two** McMansions. In other words, the “unreasonable burden” is merely that the applicant cannot make as much profit as it would like. It could easily build one house on the existing lot, or substantially renovate the one there already, but the profit motive is such that it will not consider such an option. Given the wetland near the middle of this lot, of which the applicant was aware beforehand, this is not an unreasonable burden. The applicant has failed to meet its burden of proof for a zoning variation. The application should be denied.

Thank you. If you have any questions, I would be happy to answer them.

Very truly yours,

Minturn Wright

Minturn Wright

From: [Lee Zia](#)
To: [PlanComm](#); [Sam Shelby](#); lanning.blazer@alexandriava.gov
Subject: [EXTERNAL]Concerns about the 635 Upland Place development proposal
Date: Tuesday, June 4, 2024 7:23:26 AM

To Members of the Planning Commission and other city officials:

I live at 712 Upland Place and write to express several issues of concern with a subdivision application and variance request for 635 Upland Place.

1) The area proposed for development has a significant wetlands area that would be at risk of major disruptive environmental impact due to the felling of trees and brush, which currently serve as an important (natural) control of erosion. The clearing process itself would lead to immediate erosive effects not to mention the long-term implications for erosion and general storm management that would be a consequence of a non-trivial elimination of natural barriers. Moreover, removal of this vegetation would affect the micro-climate of this localized ecosystem. Researchers have noted the importance of micro-ecosystems as part of larger regional ecosystems in providing cooling and pollution control in metropolitan areas such as the greater DMV.

2) The entire ~14 acre parcel of land on which the proposed development would take place is a natural habitat for a diversity of wildlife that co-exist with humans in a natural park-like setting. It is a wonderful laboratory for exploration of the environment for children and adults which would be reduced in area by the proposed development. Moreover, the spillover effects of that development (e.g., more erosion and the incursion of the resulting built infrastructure) would further reduce the footprint of this area; and potentially limit access. At least one pair of nesting barred owls lives in these woods and as near top-of-the-food chain predatory birds, they provide a natural control of smaller rodents.

3) In the builder's application mention is made of "substantial injustice" to conforming with existing frontage requirements that the existing wetland would place on the proposed development, an "unreasonable burden" it is termed. I find this line of reasoning disingenuous at best with cause and effect inverted. In fact, it is the proposed development that would cause a

substantial injustice on the existing wetland. I note that similar concerns have already been raised and explored at length in the past decade in response to earlier development proposals.

4) Finally, the neighborhood of Upland Place from the top of the hill westward down past Hilton and to all of Moncure Street is a historic one, dating to the 1940s when these homes were built to house workers at the Torpedo Factory in Old Town contributing to the war effort. The character and appeal of this neighborhood would be at grave risk, if the proposed development went forward to construct "two large homes" (down evidently from an original proposal to build four such homes!). No plans for such homes have been presented to my knowledge, only the claim that a frontage variance is needed. If the new homes were constructed in the style of the existing home (1.5 story brick bungalows with square footage no more than 1500), would such a variance be needed?

Thank you for considering my voice.

Sincerely,

Lee Zia
712 Upland Place

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June 3rd, 2024

Planning Commission
City of Alexandria
City Hall
301 King Street
Alexandria, VA 22314

Submitted via email: plancomm@alexandriava.gov

Dear Members of the Planning Commission:

On behalf of the Imlay family, I appreciate the Commission's consideration of our comments pertaining to a proposal to develop the property at 635 Upland Place. Specifically, the proposal involves an application—submitted by builder Windmill Hill Designs—to subdivide the property into two lots (with a house on each lot) and variance request to address frontage issues. Our interest in this issue stems from our ownership of a house adjacent to 635 Upland, located on the east side of the property. We ask that our comments be included in the Commission's permanent record on this matter.

The Commission has been sent some letters with lots of reasons not to build. I've read a few and agree with them. However, rather than make a bunch of points, I'd like to summarize why not approving this development is the right thing to do. Approving the building of these huge multimillion dollar houses low down in the wetlands is bad for the environment and animals that live in the wetlands, it's bad for people who live in the surrounding houses of these wetlands, and it does absolutely nothing to alleviate the affordable housing issues facing our great city.

Thank you for the Commission's consideration of our comments.

Sincerely,

Keith and Lynne Imlay

From: [James Lager](#)
To: [PlanComm](#)
Cc: [Sam Shelby](#); lanning.blazer@alexandriava.gov
Subject: [EXTERNAL]Proposed variance for 635 Upland Place
Date: Tuesday, June 4, 2024 5:13:36 PM

To the Planning Commission:

I'm writing as a neighbor (606 South View Ter) and concerned resident of the community to oppose the proposed variance.

The applicant is proposing to destroy one of the last remaining natural areas in the community, a haven for wildlife and an area critical for the city to achieve its environmental goals, all for financial gain. In an era of global warming, the applicant appears unconcerned about the removal of trees and spewing additional carbon in the atmosphere. On the contrary, the applicant has eschewed less destructive building methods and even green technologies. Through its attorney, in a conference call, it proudly announced that it had no plans to mitigate the environmental consequences, arguing (paraphrasing) "you could have purchased the property if you wanted to protect the environment." Fortunately, the City--which represents the entire community--is appropriately concerned about the environment.

The two homes the applicant now plans to construct--reduced from the four previously rebuffed--does not even plan for solar power or other renewable energy sources. There is only a minimal planned effort to address the impact on the directly adjacent wetlands, no plan whatsoever to relocate the wildlife or remediate the destruction of the forested area, and no plan to compensate neighbors for the loss of peaceful enjoyment during and post-construction.

It is acceptable, of course, for the applicant to seek special permission to engage in destructive behavior in variance of the normal rules. But it would be irresponsible for the City to grant the desired extraordinary relief given the attendant dire environmental consequences.

Jim Lager



October 31, 2022

Mr. Taylor Doyle
RC Fields & Associates, Inc.
Via Email: taylor@rfassoc.com

TNT Project Number: 2820-A

Reference: Wetland Delineation Report, 635 Upland Place, City of Alexandria, Virginia
Latitude: 38° 48' 34.37" N, Longitude: 77° 4' 15.77" W

Dear Mr. Doyle:

TNT Environmental, Inc. (TNT) is pleased to present this wetland delineation report for the above-referenced project in general accordance with TNT Proposal Number 4177 dated July 27, 2022. The wetlands and Waters of the U.S. identified during this investigation for the above-referenced project site were delineated by TNT based on the *Corps of Engineers' Wetlands Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic & Gulf Coastal Plain Region*. Specifically, this report was prepared to provide baseline data concerning the type and extent of resources that are most likely considered jurisdictional by the U.S. Army Corps of Engineers (USACE) and Virginia Department of Environmental Quality (VDEQ). The delineation entails the gathering of appropriate field data according to the applicable USACE Manuals, field flagging and mapping of approximate wetland and stream boundaries located onsite, preparation of this final report, and a request to the USACE for boundary confirmation and jurisdictional determination of U. S. Waters, including wetlands, identified onsite. Based on the field investigation conducted in July 2022, there are potentially jurisdictional Waters of the U.S., including wetlands, located within the study area.

PROJECT SITE DESCRIPTION

The project site is approximately 0.95 acres situated east of Moncure Drive in the City of Alexandria, Virginia (*Appendix I: Figure 1- Project Location Map*). The project site is further identified by physical address 635 Upland Place and Tax Map #: 062.02-09-24. The terrain of the project site consists of gentle to moderate sloping topography and is within the Taylor Run drainage basin (*Appendix I: Figure 2- USGS Topographic Map*). The site is mostly wooded, with one existing residential structure in the eastern portion of the site.