

**BZA CASE #2013-0005**

Docket Item #2  
BZA CASE #2013-0005

Board of Zoning Appeals  
March 14, 2013

**ADDRESS:** 1420 KEY DRIVE  
**ZONE:** R-20, RESIDENTIAL  
**APPLICANTS:** VINSON BRETT & HARRIET JAMES MELVIN, OWNERS

**ISSUE:** Request variances to (a) construct a new two-story single family house in the required front yards facing Key Drive and North Quaker Lane, and (b) to locate two HVAC units and a generator in the secondary front yard facing North Quaker Lane; and special exceptions to (c) construct an open front porch in the required front yard facing Key Drive, and (d) to maintain an existing fence on a corner lot.

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<b>CODE SECTION</b>	<b>SUBJECT</b>	<b>CODE REQMT</b>	<b>APPLICANTS PROPOSE</b>	<b>REQUESTED RELIEF</b>
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<b>Variances</b>				
7-2503(A)	Front Setback (Key Drive)	60.20 ft	42.50 ft	17.70 ft
7-2503(A)	Front Setback (N. Quaker Lane)	50.20 ft	39.00 ft	11.20ft
7-103(A)	Accessory Structure forward of the front building wall	In side or rear yard	In front yard	Two HVAC units and a generator in N. Quaker lane front Yard
<b>Special Exceptions</b>				
7-2503(A)	Open Front Porch	60.20 ft	34.50 ft	25.70 ft
7-1702 (B)(1)	Closed Fence on Corner Lot (Rear Wall)	At Rear Wall	33.00 ft Forward of Rear Wall	33.00 ft
7-1702 (B)(3)	Closed Fence Distance from Property Line	19.50 ft	4.00 ft	15.50 ft

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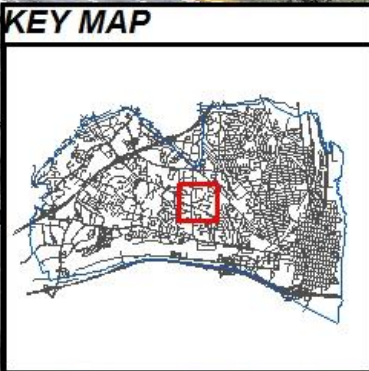
Staff **recommends approval** of the requested front setback variances along Key Drive and North Quaker Lane because the applicants' proposal meets the criteria for a variance.

Staff **recommends denial** of the requested variance to place accessory mechanical structures forward of the front building wall, because there is no hardship and reasonable alternatives are available.

Staff **recommends approval** of the open front porch because the applicants meet the criteria for the special exception.

Staff **recommends denial** of the special exception to retain the existing six foot closed fence in its current location because the request does not meet the criteria for the special exception, and reasonable yard area can be enclosed with a 6.00 foot fence without approval of the special exception.

If the Board decides to grant the requested variances and special exceptions, the proposed construction must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. The variances and special exceptions must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.



**BZA #2013-0005**  
**1420 Key Dr.**



**I. Issue**

The applicants propose to demolish an existing one-story single family dwelling and construct a new two-story single family dwelling with an open front porch within the required front yard setbacks along Key Drive and North Quaker Lane. The applicants are requesting to maintain an existing noncomplying fence in its current location, and to place two HVAC units and a generator in the required secondary front yard along North Quaker Lane.



**II. Background**

The subject property is a corner lot consisting of two consolidated lots (lot 6 & 7) with 119.38 feet of frontage along Key Drive, 163.58 of frontage along North Quaker Lane, and with a lot depth of 178.46 feet. The property contains 23,911.08 square feet of total lot area. The existing single family structure is deemed noncomplying because it does not meet the prevailing front setback.

The prevailing front setback along Key Drive is 60.20 feet, and the existing structure is 35.00 feet from the property line. The prevailing front setback along North Quaker Lane is 50.20 feet, and the existing structure is 39.00 feet from the property line. According to real estate assessment records the house was constructed in 1952. The lot complies with R-20 zoning regulations.

An existing 6.00 feet closed fence is located at the back wall of the existing house. The fence continues westward from the back wall and ends 4.00 feet from the property line facing North Quaker. The fence continues parallel to North Quaker Lane, to the south

property line. As shown on the submitted plat, the existing fence is staggered with alternating 17.00 foot sections at a distance of 4.00 feet to the property with sections positioned 6.00 feet from the property line along North Quaker Lane. From there the fence runs along the south and a portion of the east property lines to enclose the yard.

**III. Description**

The applicants propose to replace the one-story single family dwelling with a new two-story single family dwelling with basement and open front porch. The applicants are requesting the following relief: (a) variances to construct a new two-story single family house in the required front yards facing Key Drive and North Quaker Lane, (b) a variance to locate two HVAC units and a generator in the required front yard facing North Quaker Lane, (c) a special exception to construct an open front porch in the required front yard facing Key Drive, and (d) a special exception for a fence on a corner lot.

- a. Although the proposed home is setback an additional 7.00 feet from Key Drive than the existing home and is consistent with the existing front building wall along North Quaker Lane, the applicants must obtain a variance from the front setback requirement. The proposed two-story dwelling is located 34.50 feet from the front property line along Key Drive (primary front yard), 39.00 from the front property line along North Quaker Drive (secondary front yard), 83.30 feet from the south side property line, and 35.00 from the east side property line.
- b. Currently, the existing dwelling is served by one AC unit located at the rear of the house, under a deck. The applicants are requesting a variance to place two HVAC units and one emergency generator forward of the front building wall and within the secondary front yard facing North Quaker Lane. The zoning ordinance does not permit HVAC units and generators forward of the front building wall.
- c. Construct an open front porch 8.00 feet by 26.00 feet (208 square feet) with a height of 10.10 feet. Oriented toward Key Drive, the porch is situated 34.50 feet from the front property line on Key Drive, 55.00 feet from the front property line on North Quaker Lane, and 53.00 feet from the east side property line. The established front block face along Key Drive is 60.20 feet, therefore the porch is 25.70 feet into the required front yard.
- d. The existing 6.00 foot fence complies with the regulations in its location relative to the rear building wall. However, the rear building wall is to be replaced and will extend 33.00 feet behind the existing fence. Therefore, the existing fence will no longer comply with the provision that requires a fence can be placed no closer to the front yard property line than the rear wall of the building structure.

After reviewing the block face along North Quaker Lane, majority of the homes face North Quaker Lane. In situations where the secondary front yard is located on a block face on which the adjacent house as well as the majority of the houses

face the street, fences can be located no closer to the property line than half the distance between the property line and the building face. Therefore, the existing fence situated 4.00 feet from the property line is noncompliant, and should be setback 19.50 feet from the property or half the distance between the property line and the building face.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

There have been no variances or special exceptions previously granted for the subject property.

**IV. Master Plan/Zoning**

The subject property is zoned R-20 and has maintained this designation since 1951, and is identified in the Taylor Run Small Area Plan for residential land use.

**V. Requested Variances:**

7-2503(A), Front Setbacks

The applicants are requesting a variance of 17.70 feet from the required front setback facing Key Drive and 11.20 feet from the required front setback facing North Quaker Lane to construct a new two-story dwelling.

7-202(B)(5), Accessory Structure

The applicants are also requesting variance to place two HVAC units and one emergency generator forward of the front building wall and within the required front yard facing North Quaker Lane.

**VI. Requested Special Exception:**

7-2503(A), Open Front Porch

The applicants are requesting a special exception for 25.70 feet from the required front setback of 60.20 feet facing Key Drive to construct an open front porch 34.50 feet from the property.



Proposed Key Drive façade showing open front porch

7-1702 (B)(1)&(3), Closed Fence on a Corner Lot

The special exception is required in order to maintain the existing 6.00 feet high fence in its present location 4.00 feet rather than the required 19.50 feet from the secondary front property line along North Quaker Lane . In addition, the new building will extend 33.00 feet further south behind the existing fence which will no longer meet the rear building wall as required.

**VII. Noncomplying Structure/ Substandard Lot**

The existing building at 1420 Key Drive is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard (Key Drive)	60.20 ft	45.50 ft	14.70ft
Front Yard (N. Quaker Ln)	50.20 ft	39.00 ft	11.20 ft

**VIII. Standards for Variances**

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that the applicants must address and that the Board must find exists to warrant varying the zoning regulations.

- a) The particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would

- effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b) The conditions upon which the petition for a variance is based are not applicable generally to other property within the same zoning classification;
  - c) The property was acquired in good faith and any hardship produced by the ordinance was not created by the owner of such property;
  - d) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof;
  - e) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety;
  - f) The variance, if granted, will not alter the essential character of the area or be a substantial detriment to adjacent property;
  - g) The strict application of this ordinance would produce undue hardship;
  - h) Such undue hardship is not shared generally by other properties in the same zone and vicinity; and
  - i) No other remedy exists whereby the same relief was, is or may be available from another approval body of the city as part of its review of a site or other development application.

**IX. Special Exceptions Standards**

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that applicants must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
- 2) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic

congestion or increase the danger of fire or the spread of fire, or endanger the public safety.

- 3) Whether approval of the special exception will alter the essential character of the area or zone.
- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.
- 5) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.
- 6) In the case of fences, whether the size, configuration or other unusual characteristic of the lot requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood.

**X. Staff Analysis Front Setback Variance**

On this corner lot, the existing house is positioned closer to the corner than the established front setbacks. The combination of pre-existing site conditions including a culvert that crosses the southwest corner of the rear yard of the property and mature trees that the owner is proposing to preserve in the rear yard limit the development envelope available for this corner lot. Due to these conditions and limitations, the house is proposed to be constructed closer to the front property line than the average required setback that places an unreasonable restriction on the home owners.



**Existing mature trees in rear yard**



**Culvert located across the southeast corner of the rear yard**

The variances for front setback along Key Drive and North Quaker Lane will not negatively impact the character of the neighborhood or the adjacent properties. Many new two-story single family dwellings similar to the scale and design proposed exist in the immediate area.

**Accessory Structure Variance**

Regarding the request for variance to place two HVAC units and a generator forward of the front building wall along North Quaker Lane, the applicants have not made sufficient justification for the variance. Staff can identify numerous locations on the lot in the side yards along the south and east side of the house where the proposed mechanical equipment could be placed without requiring a variance.

**Open Front Porch Special Exception**

The proposed open front porch is consistent with the character of the neighborhood and similar to other homes with open porches located in the surrounding area. The design is complementary to other houses in the area and is the only reasonable location on the lot to accommodate the proposed structure. The proposed open porch will not negatively impact the adjacent properties and will enhance the building design.

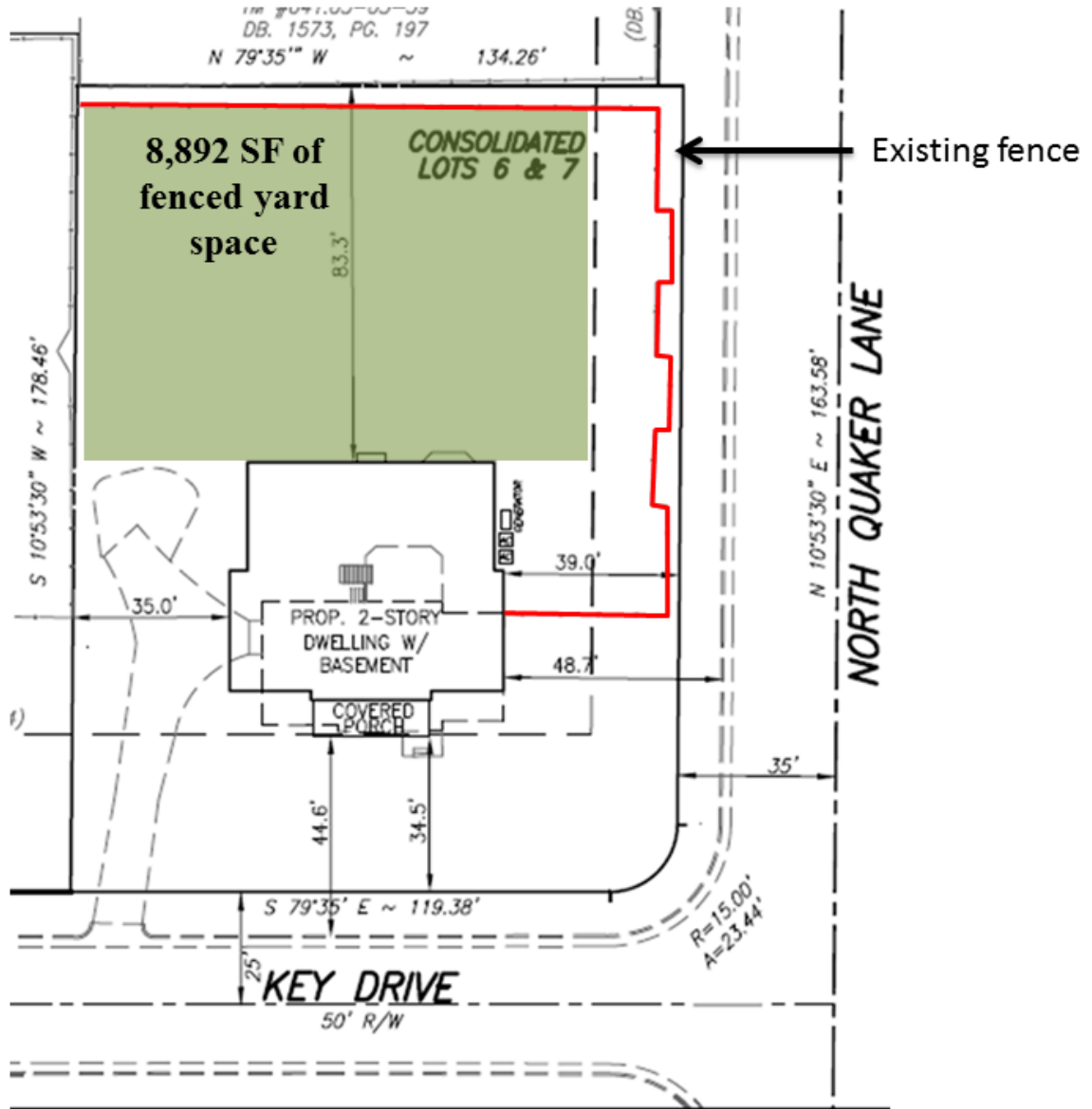
**Corner Lot Fence Special Exception**

The applicants' justification for the existing fence is that the planning department previously approved the fence for the existing house that will be demolished. However, the position of the fence as it relates to the rear building wall will change when the new dwelling's rear building wall extends 33.50 additional feet. Staff does not support the request, because of the general openness of yards and fences in this area because the fence can be easily relocated to begin at the new rear wall.



**Existing fence along N. Quaker Lane**

The position of the fence adjacent to North Quaker Lane, setback a minimum of 3.00 feet from sidewalk, was incorrectly interpreted when reviewed by staff in 2012. Since most dwellings along North Quaker Lane are oriented toward the street, the blockface provision applies which requires that fences over 3.50 feet tall and closed shall be permitted if located no closer to the property line than half the distance between the property line and the building face. Given the scope of the project it is reasonable openness in of the immediate area, staff recommends that the fence be relocated to meet the corner fence provisions. To comply a portion of the fence along North Quaker Lane would have to be shorten in length by 33.00 feet to meet the rear building wall location, with the remain fence along North Quaker Lane relocated an additional 13.50 to 15.50 feet away from the sidewalk to meet the 19.50 feet setback requirement for corner fences on this lot. The resultant fenced area would provide a reasonable 8,892 square feet and would enable the property to be more in keeping with the openness along North Quaker Lane that is provided by the majority of the other yards in this vicinity along North Quaker Lane, as well as by the Virginia Theological Seminary across the street. Alternatively, the applicant also has the option to install a 3.50 feet tall, 50 percent open fence around the entire property.



The graphic above depicts the 8,892 square feet fenced yard area allowed without approval of a special exception.



**The open development pattern of the area**

**XI. Staff Conclusion**

Staff **recommends approval** of the requested front setback variances along Key Drive and North Quaker Lane because the applicants' proposal meets the criteria for a variance.

Staff **recommends denial** of the requested variance to place accessory mechanical structures forward of the front building wall. There is not a hardship that requires the applicants to locate the mechanical units in the front yard, and several alternative locations are available on the property along the south and east side of the house where the applicant can locate the mechanical equipment in compliance with zoning.

Staff **recommends approval** of the open front porch because the applicants meet the criteria for the special exception.

Staff **recommends denial** of the special exception to retain the existing six foot closed fence in its current location because the request doesn't meet the criteria for the special exception. Given that the fence is the only structure to remain on the site and that the lot will otherwise be redeveloped, it seems reasonable for the owner to relocate the fence to the south and west, further from North Quaker Lane sidewalk and street frontage, which would still allow a reasonable rear fenced yard area of 8,892 square feet.

**DEPARTMENTAL COMMENTS**

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

Transportation and Environmental Services:

- R1. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R2. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R3. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R4. The building permits must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- F1. A Grading Plan has been submitted to the City for review (GRD2013-00014) all conditions of this approval shall be referenced and shown on the final plan. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)
- C-3 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-4 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-5 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)

- C-6 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plans Review Services Division Chief at [ken.granata@alexandriava.gov](mailto:ken.granata@alexandriava.gov) or 703-746-4193.
- C-1 Provide a Property Plat and Footing details where fences will exceed six feet in height not including decorative or ornamental sections or lattice at the upper portion to comply with the 2009 (VRC) Virginia Residential Code section 108.2
- C-2 All exterior walls and roof area within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall and / or four feet for roof sheathing (exception open porches). As an alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line in accordance with 2009 VRC section and table 302.1
- C-3 New exterior Gas powered generators will require separate trade permits to include a gas line riser layout and electrical transfer switch type with electrical circuit layout in accordance with 2009 VRC section 110.2
- C-4 New construction must comply with the 2009 edition of the Virginia Residential Code
- C-5 Five sets of plans must accompany the building permit application. Plans must include clear dimensions, construction details and any trade work (mechanical, plumbing and electrical).
- C-6 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep proposed construction solely on the referenced property.
- C-7 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 No specimen trees are affected by the plan.

Historic Alexandria (Archaeology):

- F-1 According to historic maps, a house belonging to “Ed. Snowden” once stood on this property in the late nineteenth century. Snowden likely was a descendant of Edward Snowden who owned the Alexandria Gazette in the early nineteenth century and served for a time as Mayor of Alexandria. By 1927 an aerial map shows the property as vacant. The current dwelling was built in the early 1950s. This property has modest potential to have significant archaeological remains that could yield important information about late nineteenth-century history of the area.
- R-1. Should the proposed projects cause ground disturbance, the statements below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.
- a. The applicant/developer shall 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.
  - b. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

Other Requirements Brought to the Applicant’s Attention (Planning and Zoning):

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.



**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

**Section of zoning ordinance from which request for variance is made:**

**7-2503(A) FRONT SETBACK FOR 2 FRONT YARDS**

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**PART A**

1) **APPLICANT:**         Owner    Contract Purchaser    Agent

**Name:**        VINSON BRETT & HARRIET JAMES MELVIN

**Address:**    1420 KEY DRIVE  
ALEXANDRIA, VA 22302

**Daytime Phone:**    703-608-3560

**Email Address:**    [BRETT@BRETTMELVIN.COM](mailto:BRETT@BRETTMELVIN.COM)

2) **Property Address:** 1420 KEY DR.  
ALEXANDRIA, VA 22302

3) **Assessment Map #** 041.03 Block 03 Lot 40 Zone R-20

4) **Legal Property Owner Name:**    HARRIET JAMES & VINSON BRETT MELVIN

**Address:**        1420 KEY DR.  
ALEXANDRIA, VA 22302

## 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 ten 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. Vinson Brett Melvin	1420 Key Drive, Alexandria, VA 22302	50%
2. Harriet James Melvin	1420 Key Dr. Alexandria, VA 22302	50%
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 ten 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. N/A		
2. N/A		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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.

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. N/A		
2. N/A		
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.

1-30-13  
Date

Vinson Brett Melvin  
Printed Name

  
Signature

**5. Describe request briefly:**

WE ARE REQUESTING A VARIANCE TO OBTAIN SETBACK RELIEF FOR OUR HOME LOCATED ON THE CORNER OF KEY DR. AND QUAKER LANE. THE SETBACKS REQUIRED OF OUR CORNER LOT MEANS WE WOULD HAVE TO MOVE THE FRONT OF THE HOUSE BACK FROM KEY DR. 70.3' AND FROM QUAKER LANE 59.9'. THIS SETBACK WOULD PLACE THE FRONT/FRONT CORNER OF THE HOUSE NEARER THE MID-POINT OF THE YARD RESULTING IN A HOUSE POSITIONED IN THE LEAST ADVANTAGEOUS WAY ON THE PROPERTY.

THE CULVERT THAT BEGINS IN OUR BACKYARD AND MEANDERS ITS WAY THRU THE NEIGHBORHOOD ON THE SOUTH SIDE OF KEY DR. HAS BEEN THE DETERMINING FACTOR ON HOW THE HOUSES ON THE SOUTH SIDE OF KEY DR. WERE ORIGINALLY PLACED ON THEIR LOTS. SOME HAVE BEEN FORCED TO LOCATE AT THE BACK OF THE PROPERTY (WHEN THE CULVERT RUNS TOWARD THE FRONT OF THE YARD) AND INVERSELY OTHERS HAVE BEEN FORCED TO BE LOCATED AT THE FRONT OF THE PROPERTY (WHEN THE CULVERT RUNS THROUGH THE BACK OF THE YARD).

WE ARE REQUESTING THE BOARD TO PROVIDE RELIEF FROM THE NEW CALCULATED SETBACK BECAUSE OF THE LOCATION OF THE EXISTING HOUSE AND LOT CONSTRAINTS ASSOCIATED WITH HAVING 2 FRONT YARDS AND A CULVERT ON THE PROPERTY, AND INSTEAD ALLOW US TO USE A SETBACK FROM THE FACE OF CURB FOR THE HOUSE OF 52.6 FROM KEY DR. (LESS 8' FOR THE PORCH WHICH HAS A SETBACK OF 44.6) AND 48.7' FROM QUAKER LANE.

**6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, VA?      N/A**

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property that is the subject of this application. The applicant, if others than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

**APPLICANT OR AUTHORIZED AGENT:**

VINSON BRETT MELVIN  
Print Name

  
Signature

703-608-3560  
Telephone

1-30-13  
Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2500 fine or both. It may also constitute grounds to revoke the permit applied for with such information.

**PART B (SECTION 11-1102)**

NOTE: The Board of Zoning Appeals may grant a variance only if the applicant can clearly demonstrate a hardship. A demonstrated hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property, for example, if a rear yard has sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A demonstrated hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a hardship having to do with specific conditions of the land.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(Please print clearly and use additional pages where necessary)

- 1. Does strict application of the zoning ordinance to the subject property result in a hardship to the owner? (Answer A or B).**
  - a. Explain how enforcement of the zoning ordinance will amount to a clearly demonstrable hardship.**

BECAUSE OUR HOME IS LOCATED ON A CORNER LOT, THE NEWLY CALCULATED SETBACKS WILL FORCE US TO MOVE THE FRONT/FRONT CORNER OF THE HOUSE MUCH CLOSER TO THE MIDPOINT OF THE PROPERTY AND MUCH CLOSER TO THE CULVERT THAT WE WOULD LIKE TO AVOID. ADDITIONALLY, THIS WOULD MOST LIKELY RESULT IN THE REMOVAL OF 4 TO 5 SPECIMEN TREES RANGING FROM 16"-33" IN DIAMETER. WE HAVE AN ARBORIST CONSULTING ON THE JOB TO ASSIST US TO SAVE AS MANY TREES AS POSSIBLE. THE SETBACK WE HAVE REQUESTED SHOULD LIMIT OUR TREE LOSS TO 2 TREES THAT ARE 16' & 18". AT THE ARBORIST SUGGESTION, WE WILL USE AN AIR KNIFE TO PROTECT THE ROOT SYSTEMS OF THE OTHER TREES THAT MAY BE AFFECTED BY THE CONSTRUCTION AREA.

- 2. Is this hardship unique to the property?**
  - a. Explain if the hardship is shared by other properties in the neighborhood.**

BECAUSE WE HAVE A CORNER LOT, THE SETBACKS AFFECT US TWICE AS MUCH AS ANY OF THE OTHER HOUSES ON OUR SIDE OF KEY DRIVE. THERE IS A WIDE DISPARITY OF HOME SETBACKS ON THE SOUTH SIDE OF KEY DR. BECAUSE MANY OF THE SETBACKS ARE DICTATED BY THE CULVERT WHICH STARTS IN OUR BACKYARD AND MEANDERS THRU THE NEIGHBORHOOD. IF THIS NEW SETBACK CALCULATION WERE TO BE USED ON OTHER KEY DR. HOMES, MOST WOULD SUFFER FROM THE SAME CALCULATION PROBLEM FROM WHICH WE SUFFER.

- b. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.**

THE NEIGHBOR DIRECTLY ADJACENT TO THIS PROPERTY, (1416 KEY DR.) HAS THE CULVERT IN THEIR BACK YARD AND IS ACTUALLY A FEW INCHES CLOSER TO KEY DR. AT 45.1' THAN THE EXISTING SETBACK OF OUR HOME AT 45.5'. THE HOME NEXT TO THEM (1412 KEY DR.) IS SETBACK 106.9' BECAUSE THE CULVERT FLOWS IN FRONT OF THE HOME. A SIMILAR SITUATION EXISTS FOR BOTH THE 1408 AND 1404 KEY DR. ADDRESSES.

**3. Was the hardship caused by the applicant? NO**

**a. Did the condition exist when the property was purchased?**

THIS CONDITION HAS EXISTED SINCE THE CONSTRUCTION OF THE HOUSE WHEN IT WAS BUILT 60 YEARS AGO IN 1952. WE PURCHASED THE PROPERTY IN APRIL OF 2012.

**b. Did the applicant purchase the property without knowing of this hardship?**

YES. IN SPITE OF DUE DILIGENCE DONE BY THE REAL ESTATE AGENT CONCERNING THE POTENTIAL FOR A MAJOR RENOVATION DURING THE PURCHASE OF THE PROPERTY LAST YEAR, THE FAR WAS FOUND TO BE FAVORABLE FOR A SIGNIFICANT RENOVATION OR REBUILD, BUT THE SETBACK CALCULATION VARIABLE WAS NOT KNOWN UNTIL THE SECOND REVIEW OF THE INITIAL GRADING PLAN. IT CAME AS A COMPLETE SURPRISE TO BOTH THE ENGINEER (R.C. FIELDS) AND BUILDER (CALVERT LUXURY HOMES), EACH OF WHOM HAVE EXTENSIVE EXPERIENCE IN THE ALEXANDRIA REAL ESTATE MARKET.

**c. How and when did the condition, which created the hardship, first occur?**

TO THE BEST OF MY KNOWLEDGE, THE ORIGIN OF THE HARDSHIP CAN BE TRACED TO A REPORT CONCERNING NEW INFILL REGULATIONS ISSUED BY A SPECIAL COMMITTEE IN 2008. THE NEIGHBOR AT 1416 KEY DR. HAD A SIMILAR ADDITION BUILT IN 2007 AND THEY WERE NOT AFFECTED BY THE ZONING SETBACK EVEN THOUGH THEIR HOME IS CLOSER TO KEY DR. THAN WE ARE.

**d. Did the applicant create the hardship and, if so, how was it created?**

WE HAD NO INPUT ON THE CREATION OF THIS HARDSHIP AND COULD NOT HAVE FORESEEN IT.

**4. Will the variance, if granted, be harmful to others? NO**

**a. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.**

THERE IS NO FORESEEABLE DOWNSIDE FOR ANY OF THE ADJACENT PROPERTY OWNERS OR THE NEIGHBORHOOD FOR THE GRANTING OF THIS VARIANCE. TO THE CONTRARY, TO NOT GRANT THE VARIANCE WOULD MAKE THE NEIGHBORS HOME AT 1416 KEY DR. APPEAR DISPROPORTIONATELY CLOSE TO KEY DR. RELATIVE TO THE HOMES AROUND IT.

- b. Explain how the proposed variance will affect the value of the adjacent and nearby properties.

BY GRANTING THE VARIANCE THE HOMEOWNER WILL BE ABLE TO CONSTRUCT A HOME THAT COMPLEMENTS THE STYLE OF THE NEIGHBORHOOD WHILE SERVING AS AN AESTHETICALLY PLEASING WELCOME TO THOSE ENTERING AND EXITING THE NEIGHBORHOOD AND ALSO PROVIDES A MORE POSITIVE TAX BASE FOR THE CITY.

- c. Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor written a letter of support of the proposed variance? If so, please attach the letter or submit at the time of the hearing.

THE APPLICANT HAS SHARED THE PLANS WITH NEIGHBORS AND ALL ARE SUPPORTIVE OF THE PLANS. LETTERS OF SUPPORT ARE ATTACHED.

- d. Explain how the proposed variance will change the character of the neighborhood.

THE VARIANCE AND SPECIAL EXCEPTION WILL RESULT IN A HOME THAT IS COMPLEMENTARY TO THE NEIGHBORHOOD AND IMPROVES THE CHARACTER OF THE NEIGHBORHOODS SINGLE ENTRANCE AND EXIT. ALL IN ALL, THERE IS NO NEGATIVE AFFECT TO THE NEIGHBORHOOD AND ONLY A POSITIVE AFFECT. WE HAVE REPEATEDLY RECEIVED COMPLIMENTS AND PRAISE FROM THE NEIGHBORS FOR THE MANY IMPROVEMENTS WE HAVE ALREADY DONE ON THE PROPERTY.

5. Is there any other administrative or procedural remedy to relieve the hardship?

ALL ADMINISTRATIVE REMEDIES THROUGH THE CITY ZONING DEPARTMENT HAVE BEEN EXHAUSTED AND THIS VARIANCE HAS BEEN SUBMITTED AT THEIR SUGGESTION AND WITH THEIR SUPPORT.

#### Part C.

1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.

OTHER PLANS OR SOLUTIONS ARE NOT AVAILABLE TO RESOLVE THIS SETBACK PROBLEM BECAUSE A) IT IS A CORNER LOT AND B) THE CULVERT THAT DICTATES THE GREAT DIFFERENCES IN THE NEIGHBORHOOD HOMES' SETBACK IS UNIQUE TO THIS LOCATION. UNFORTUNATELY THE ZONING AND PLANNING DEPARTMENT IS LIMITED TO INTERPRETING DATA FROM A CALCULATION THAT CANNOT TRULY ADDRESS THIS UNIQUE SITUATION.



## DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

### A. Property Information

A1. Street Address 1420 KEY DRIVE Zone R-20

A2.  $\frac{23,911}{\text{Total Lot Area}} \times 0.25 \text{ Floor Area Ratio Allowed by Zone} = 5,977 \text{ Maximum Allowable Floor Area}$

### B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Porch/ Garage**	
Porches/ Other		Attic less than 5'**	
<b>Total Gross *</b>		<b>Total Exclusions</b>	

B1. Existing Gross Floor Area \*  
\_\_\_\_\_ Sq. Ft.  
B2. Allowable Floor Exclusions\*\*  
\_\_\_\_\_ Sq. Ft.  
B3. Existing Floor Area minus  
Exclusions \_\_\_\_\_ Sq. Ft.  
(subtract B2 from B1)

### C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement	3,203	Basement**	3,203
First Floor	2,608	Stairways**	109
Second Floor	2,932	Mechanical**	57
Third Floor		Porch/ Garage**	208
Porches/ Other	3,108	Attic less than 5'**	2,378
<b>Total Gross *</b>	<b>11,851</b>	<b>Total Exclusions</b>	<b>5,955</b>

C1. Proposed Gross Floor Area \*  
 $\frac{11,851}{\text{Sq. Ft.}}$   
C2. Allowable Floor Exclusions\*\*  
 $\frac{5,955}{\text{Sq. Ft.}}$   
C3. Proposed Floor Area minus  
Exclusions  $\frac{5,896}{\text{Sq. Ft.}}$   
(subtract C2 from C1)

### D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3)  $\frac{5,896}{\text{Sq. Ft.}}$

D2. Total Floor Area Allowed by Zone (A2)  $\frac{5,977}{\text{Sq. Ft.}}$

\*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof on a lot, measured from exterior walls.

\*\*Refer to the zoning ordinance (Section 2-145(A)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

### F. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature:  Date: 2-26-13

CULVERT & SETBACK  
PHOTO'S & RELATED INFORMATION  
FOR VARIANCE APPEAL

FOR

THE MELVIN RESIDENCE  
1420 KEY DRIVE  
ALEXANDRIA, VA 22302

MARCH 14, 2013

This attachment provides documentation of previous interactions with the city concerning this particular subject and photos that support the request. I relied on these interactions and drawings the initial architectural plan for the house. For the purpose of this variance request, Culvert and Drainage Ditch are used interchangeably.

Brett- Below is information on submitting a grading plan. Please let me know if you have any questions.

Checklist: <http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanChecklist.pdf>

Signature block is attached.

Erosion & Sediment Control Bond Estimate:

<http://alexandriava.gov/uploadedFiles/tes/info/erosionsedimentbond.pdf>

Standard notes:

<http://alexandriava.gov/uploadedFiles/tes/info/Memo%20to%20Industry%20No.%2002-09%20December%203,%202009.pdf>

Water Quality Information: [http://alexandriava.gov/uploadedFiles/tes/info/Article\\_XIII\\_2006.pdf](http://alexandriava.gov/uploadedFiles/tes/info/Article_XIII_2006.pdf)  
<http://alexandriava.gov/tes/oeq/info/default.aspx?id=3844#stormwater>

OEQ contacts- Dan Imig or Claudia Hamblin-Katnik, 703-746-4065

Infill Guidelines: Speak to Peter Leiberg at 703-746-4666.

Landscape Guidelines:

[http://alexandriava.gov/uploadedFiles/recreation/info/040907\\_land\\_guidelines.pdf](http://alexandriava.gov/uploadedFiles/recreation/info/040907_land_guidelines.pdf)

Has information on crown coverage and tree protection requirements.

In addition, here are the names and phone numbers for 3 firms who have previously submitted grading plans to us.

R.C. Fields Jr. and Assoc.  
730 S. Washington Street  
Alexandria, VA 22314  
(703) 549-6422

Dominion Surveyors  
8808-H Pear Tree Village Ct  
Alexandria, VA 22309  
(703) 619-6555

Alexandria Surveys  
6343 S. Kings Highway  
Alexandria, VA 22306  
(703) 660-6615

Shanna Austin  
Site Plan Coordinator  
City of Alexandria  
Transportation and Environmental Services

I am also available at 1:00.

Brett - Shanna is the Site Plans coordinator for T&ES. Let's meet at Room 4130 at 1:00.

Eileen

-----Original Message-----

From: Shanna Austin  
Sent: Wednesday, April 25, 2012 10:48 AM  
To: Brett Melvin; Eileen Oviatt  
Cc: Peter Leiberg  
Subject: RE: Proposed addition - 1420 Key Drive

I am available at 1.

Shanna Austin  
Site Plan Coordinator  
City of Alexandria  
Transportation and Environmental Services

-----Original Message-----

From: Brett Melvin [mailto:brettmelvin@aol.com]  
Sent: Wednesday, April 25, 2012 10:44 AM  
To: Eileen Oviatt  
Cc: Peter Leiberg; Shanna Austin  
Subject: Re: Proposed addition - 1420 Key Drive

Thank you Eileen.

I do somewhat understand. Would today at 1pm work for you?

I noticed that you cc'd Shanna, is she with T&ES? If so, another thought would be to find a time that would allow me to speak with all the necessary people concurrently or consecutively?

Best,  
Brett

On Apr 25, 2012, at 10:09 AM, Eileen Oviatt <Eileen.Oviatt@alexandriava.gov> wrote:

> Brett,  
>  
> You can absolutely come in to discuss this - please let me know when you'd be able to stop in. My availability is pretty open at this point.  
>  
> Area of Disturbance is calculated for Transportation and Environmental Services, and they have a memo to industry that covers the specifics about what is and is not counted. It may be more efficient for you to review the requirements and calculations with T&ES staff.  
>  
> In brief, the addition itself counts, as well as a 10' perimeter around any area of construction. In the case that you add a second floor, this means you would have to include a 10' perimeter around the entire existing house because even though you are not digging, these areas are going to be used for access by construction workers.  
>  
> Eileen

> -----Original Message-----

> From: Brett Melvin [mailto:brettmelvin@aol.com]

> Sent: Wednesday, April 25, 2012 10:02 AM

> To: Eileen Oviatt

> Cc: Peter Leiberg

> Subject: Re: Proposed addition - 1420 Key Drive

>

> Eileen,

>

> Thank you so much for your quick response. I just left you a VM. Is there a time that I could come by to discuss this with you? I am trying to understand exactly how the calculations work so that I can understand each part of the project before I start anything.

>

> When Peter and I spoke, the rough calculations seemed to be a bit different so I am just trying to get my arms around this.

>

> I look forward to hearing from and hopefully meeting you.

>

> Best,

> Brett

>

> V. Brett Melvin

> 703.608.3560

>

> On Apr 25, 2012, at 8:45 AM, Eileen Oviatt <Eileen.Oviatt@alexandriava.gov> wrote:

>

>> Mr. Melvin,

>>

>> Peter Leiberg asked me to review your proposed addition at 1420 Key Drive in terms of area of disturbance. I've attached a marked up plat showing my calculations based on what Peter wrote down while discussing plans with you. I included a second story addition as well as a new addition to the rear of the house.

>>

>> For a 20'x46' addition, the total area of disturbance that I calculate is 3,029 square feet. For a 24'x46' addition, the area of disturbance would increase by 450 square feet for a total of 3,479 square feet of disturbance.

>>

>> Any work that exceeds 2,500 square feet of land disturbance requires a grading plan. If you'd like to avoid going through the grading plan process, you would need to reduce the size of the proposed addition so that the area of disturbance is less than 2,500 square feet.

>>

>> Please feel free to contact me or Peter with any additional questions you may have.

>>

>> Eileen M. Oviatt

>> Urban Planner II, Permit Center

>> City of Alexandria, Virginia

>> Department of Planning and Zoning

**City of Alexandria  
Department of Zoning Information  
Notes from 4-25-12 meeting**

**Current Zoning Plan**

- R-20 Zoning
- Single Family
- Minimum Lot Size 20,000
- Actual Lot Size = 23,170

**Required Set Backs**

- Front Yard – 40 Foot SetBack
- Side Yard – Minimum 12 Foot Setback
- Rear Yard – Minimum of 12 Feet Setback

**Computation for FAR & Variables**

- FAR (Floor Area Ratio) = 0.25
- Lot Size = 23,170

**Current House Size Statistics**

- 1,425 Above Grade (Taxable)
- 900 Finished Lower Level (Approximate)
- 2,325 Total Finished Sq. Ft. (Approximate)

**Allowable House Square Foot = FAR \* Actual Lot Size**

- FAR (Floor Area Ratio) = 0.25
- Actual Lot Size = 23,170

**Potential Size of Renovated House**

- 23,170 Actual Lot Size
- \*0.25 FAR
- 5,792 Allowable House Square Footage for Total of New Renovation

**Maximum Addition Square Footage**

- 5,792 Potential House Sq. Ft.
- 2,325 Existing Sq. Ft.
- 3,467 Maximum Sq. Ft. (?...not sure if the Finished Lower Level is included)





**1419 KEY DRIVE (TAKEN FROM CURB FACE)**



**1416 KEY DRIVE (TAKEN FROM CURB FACE)**



**1420 KEY DRIVE (TAKEN FROM CURB FACE)**



**1412 KEY DRIVE (TAKEN FROM CURB FACE)**



**CULVERT AT 1420 KEY DRIVE...BACK YARD**



**CULVERT AT 1416 KEY DRIVE...BACK YARD**



**CULVERT AT 1412 KEY DRIVE...FRONT YARD**



**TREES AT RISK AT 1420 KEY DRIVE WITHOUT VARIANCE  
EXCHANGE WITH THE CITY BEGINNING 4/25 CONCERNING NEED FOR GRADING PLAN**

Front Setback Data									
KEY DRIVE (*)					N. QUAKER LANE (**)				
Setback From					Setback From				
Face of Curb					Face of Curb				
Address #	*				Address #	*			
1420	*	45.5	(Not included in average)		1420	*	48.5	(Not included in average)	
1416	*	45.1	1400	*	55.4	805	**	61.6	
1412	*	106.9	1304	*	55.2	1419	*	64.7	
1408	*	93.9				1437	***	54.9	
1404	*	84.5				605	**	71.9	
1402	*	50.9				603	**	46.6	
								<b>70.3</b>	<b>59.9</b>
Building & Threshold Height Data									
A	B	C	D	E	F	G	H	I	
		1st Floor	Bottom	Top	(C-B)	(D-B)	(E-B)	(G+H)/2	
Address #	*	Threshold	of Roof	of Roof	Distance	Distance	Distance	Building	
		Elevation	Elevation	Elevation	Ground to	Ground to	Ground to	Height	
					1st Floor	Bottom of Roof	Top of Roof		
1420	*	199.2	203.5	211.3	218.1	3.6	12.1	18.9	15.5
1416	*	193.1	197.1	214.4	226.0	3.7	21.3	32.9	27.1
1412	*	193.5	197.1	214.4	226.0	3.6	20.9	32.5	26.7
1408	*	186.8	190.1	201.8	208.6	3.3	15.0	21.8	18.4
1404	*	189.4	191.4	207.8	213.4	2.0	18.4	24.0	21.2
1402	*	186.2	187.0	202.8	211.1	2.0	16.6	24.9	20.8
1400	*	183.3	185.1	201.9	210.1	1.9	18.6	26.8	22.7
1304	*	175.4	178.5	195.0	203.5	2.1	19.6	28.1	23.9
805	**	208.1	210.8	229.1	239.7	2.1	21.0	31.6	26.3
1419	*	203.6	206.1	223.0	231.7	2.5	19.4	28.1	23.8
1437	***	201.2	206.4	214.2	226.8	3.1	13.0	25.6	19.3
603	**	223.5	225.0	N/A	N/A	1.5	N/A	N/A	31.8
605	**	224.8	227.0	N/A	N/A	2.2	N/A	N/A	31.1
<b>AVERAGE</b>		<b>197.5</b>	<b>200.1</b>	<b>210.4</b>	<b>219.7</b>	<b>2.6</b>	<b>18.4</b>	<b>27.6</b>	<b>24.4</b>
						x1.2=			x1.2=
						<b>3.2</b>			<b>29.3</b>
<b>NOTE: THRESHOLD DISTANCES TAKEN FROM AVERAGE GRADE AT FRONT BUILDING FACE TO FIRST FLOOR.</b>									
<b>BUILDING HEIGHTS TAKEN FROM AVERAGE GRADE AROUND ENTIRE BUILDING TO ROOF MID-POINT.</b>									

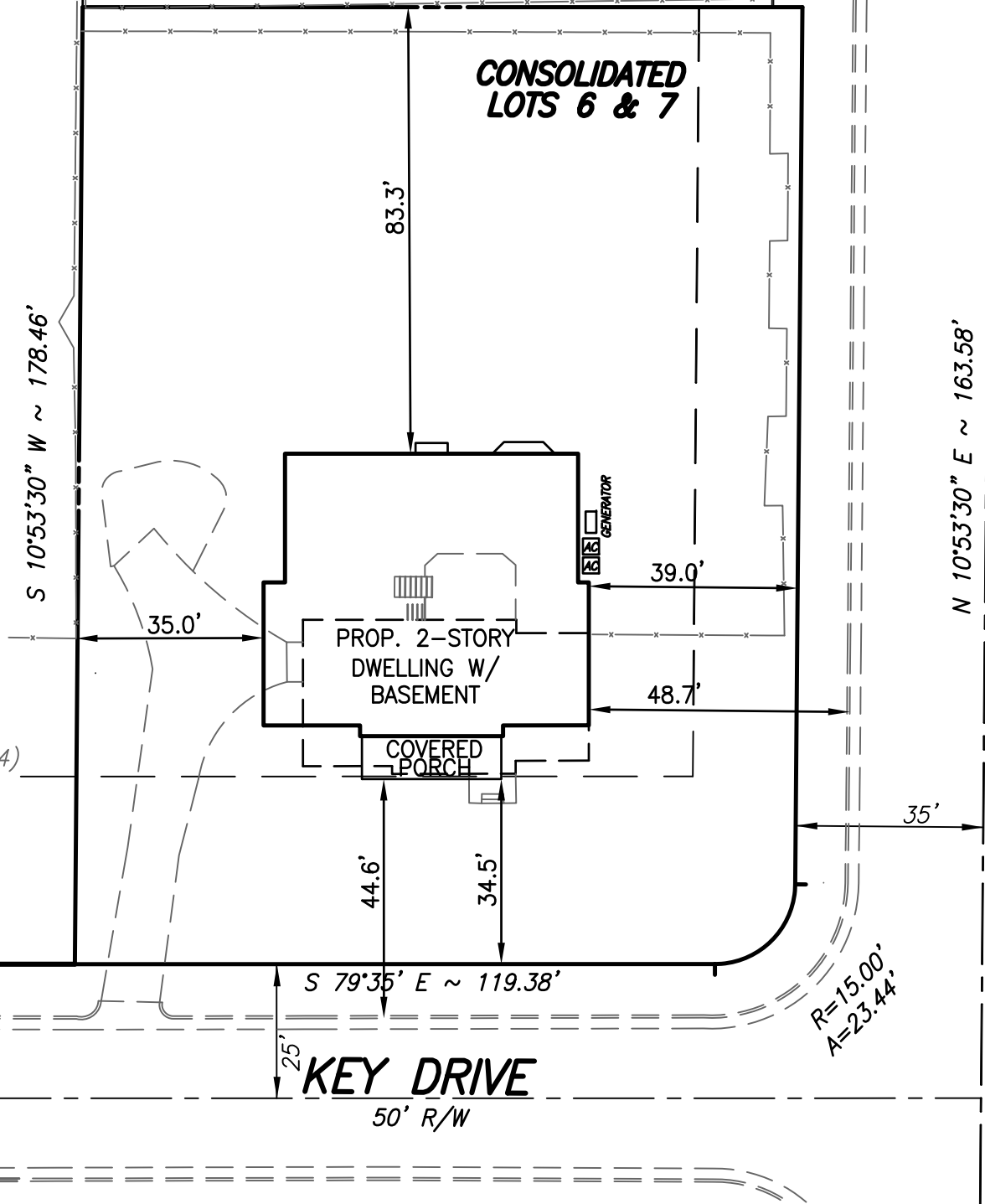
508  
 N/F KATHLEEN E.  
 & WILLIAM K. STAPLES  
 1437 JANNEYS LANE  
 ALEXANDRIA, VA 22302  
 TM #041.03-03-39  
 DB. 1573, PG. 197  
 N 79°35' W ~ 134.26'

EX. 35' BRL  
 (DB. 233, PG. 304)

10  
 N/F JEFFERY M. &  
 MELISSA O. WEBB  
 1416 KEY DRIVE  
 ALEXANDRIA, VA 22302  
 TM #041.03-03-03  
 INSTR. #060028852

EX. 35' BRL  
 (DB. 233, PG. 304)

S 10°53'30" W ~ 178.46'



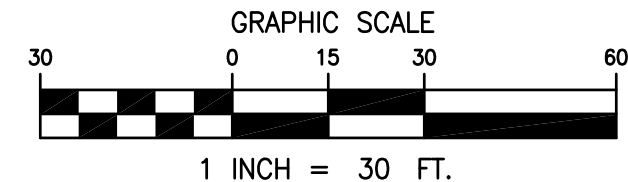
N 10°53'30" E ~ 163.58'

**NORTH QUAKER LANE**  
 WIDTH VARIES

RECORD NORTH  
 (INSTR. #060006179)

**GENERAL NOTES:**

1. TAX MAP: #041.03-03-40
2. ZONE: R-20
3. OWNER: HARRIET J. & VINSON B. MELVIN  
 1420 KEY DRIVE ALEXANDRIA, VA 22302  
 INSTRUMENT #: 120006744
4. PLAT SUBJECT TO RESTRICTIONS OF RECORD.
5. TOTAL SITE AREA = 23,911 S.F. OR 0.5489 AC. (COMP.)
6. SETBACKS  
 QUAKER LANE:  
 REQUIRED = 59.9' (PER BLOCKFACE STUDY)  
 PROVIDED = 48.7' (FROM FACE OF CURB)  
 VARIANCE REQUESTED = 11.2'  
  
 KEY DRIVE:  
 REQUIRED = 70.3' (PER BLOCKFACE STUDY)  
 PROVIDED = 44.6' (FROM FACE OF CURB)  
 VARIANCE REQUESTED = 25.7'



**VARIANCE PLAT**  
 CONSOLIDATED LOTS 6 & 7, SECTION 3  
 OF THE SUBDIVISION OF  
**J.R. HOWARD SUBDIVISION**  
 (1420 KEY DRIVE)  
**CITY OF ALEXANDRIA, VIRGINIA**

SCALE: 1" = 30'

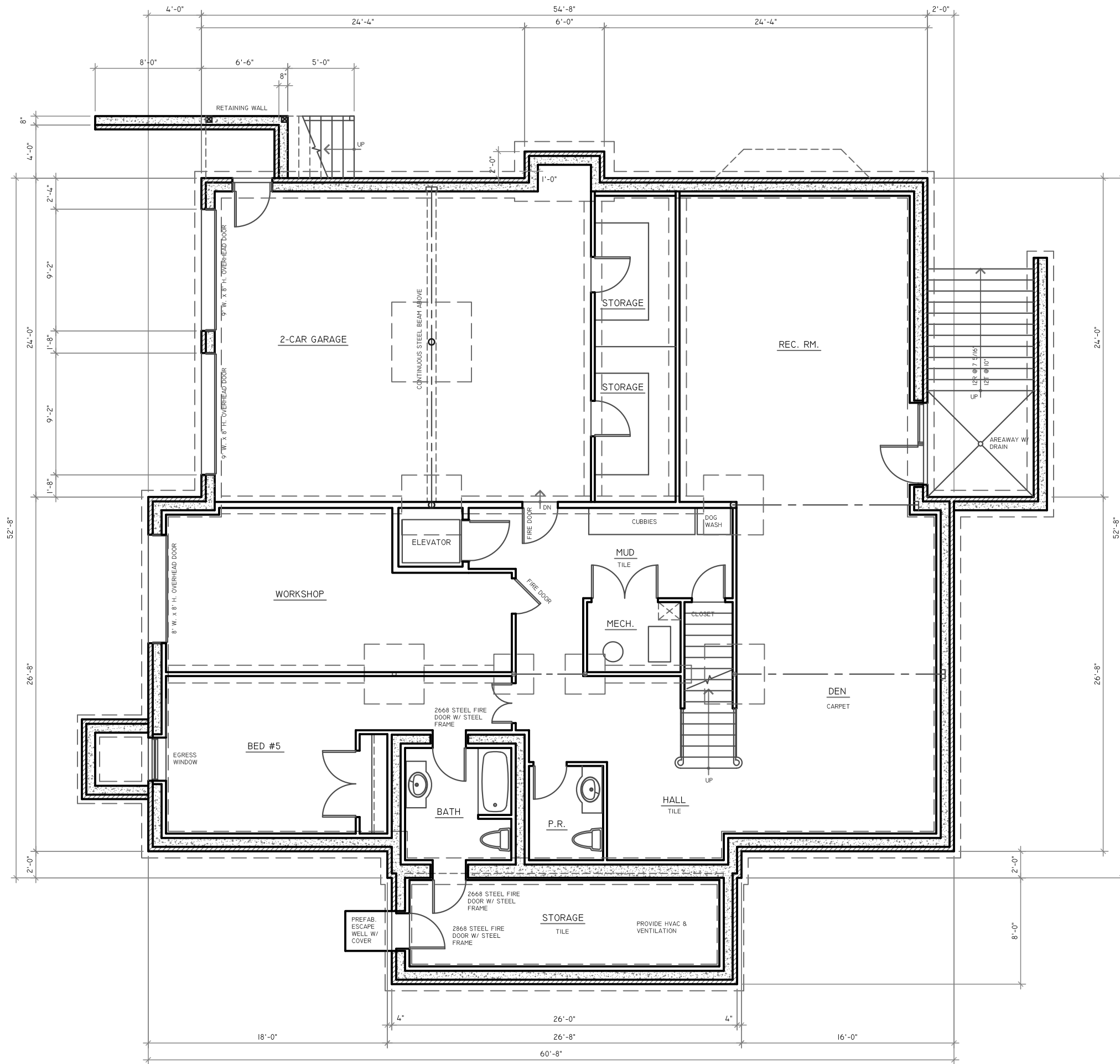
DATE: 31 JANUARY 2013



● ENGINEERING ● LAND SURVEYING ● PLANNING  
 730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

FILE NO. 12-69  
 SHEET 1 OF 1

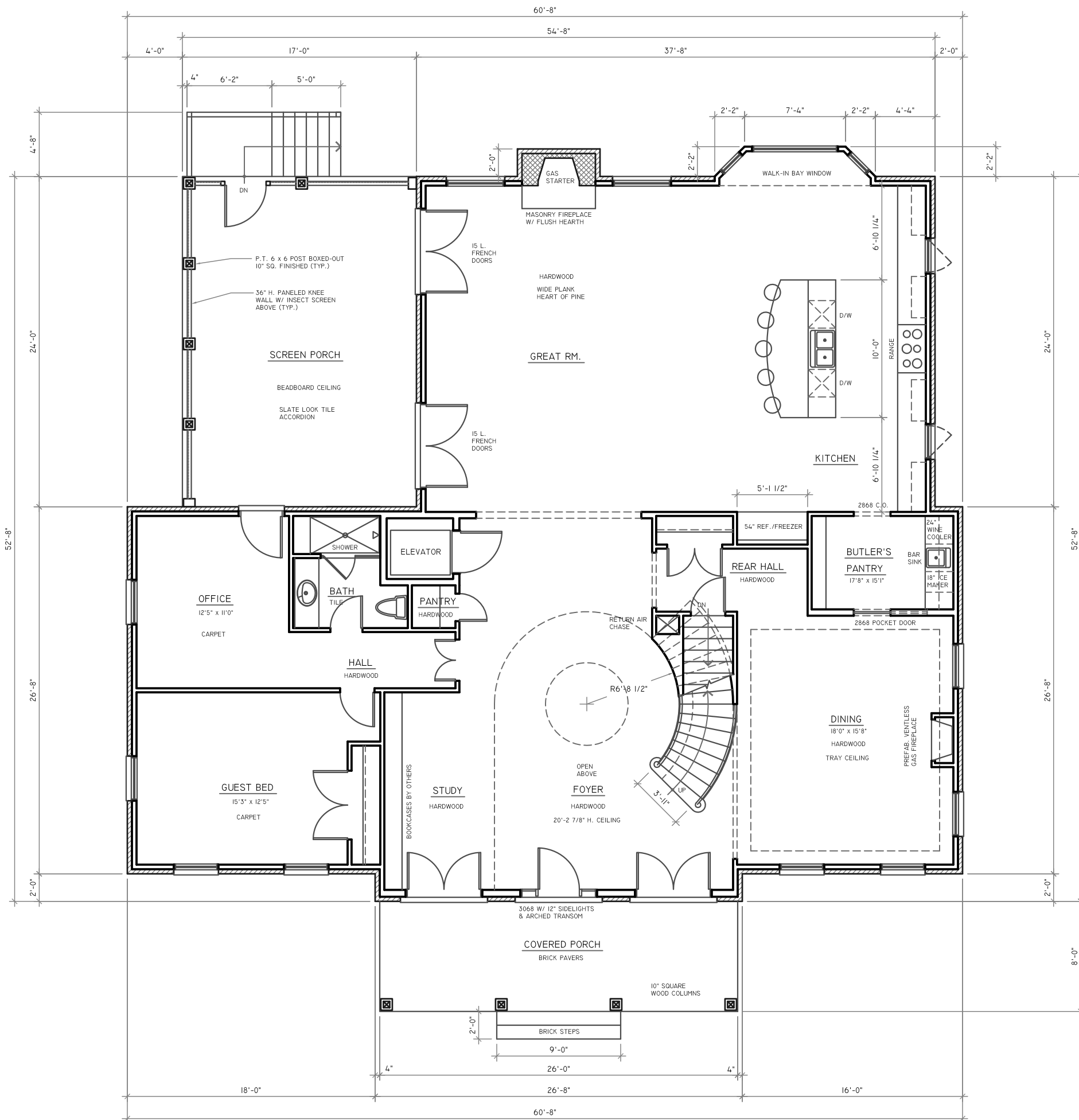
COMP.	JCB
DRAWN	JCB
CHECKED	RJK



**BASEMENT PLAN**  
 SCALE: 1/8" = 1'-0"

REVISIONS:

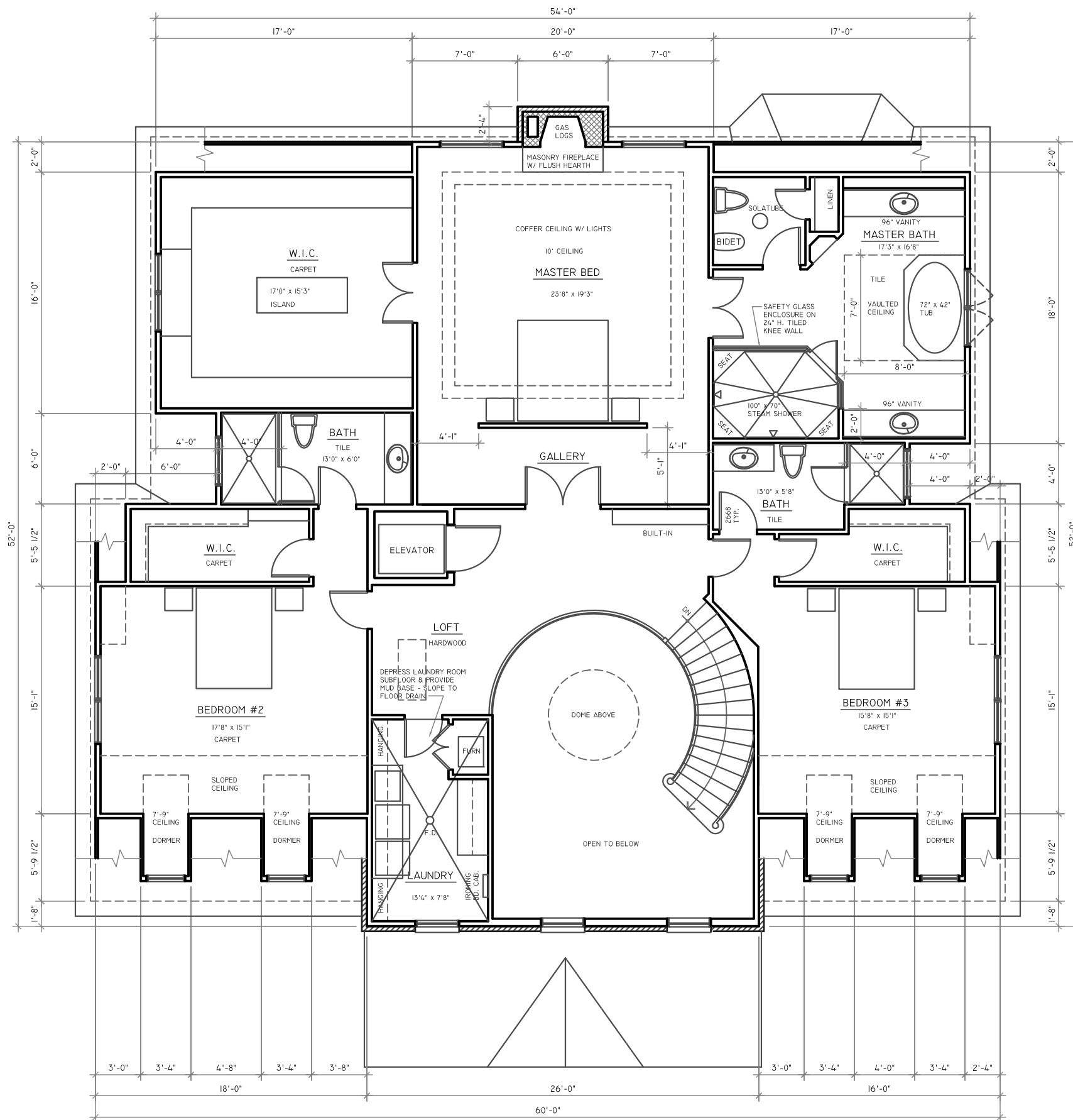
DATE: 02-25-13  
 SCALE:  
 DRAWN: GMZ  
 JOB:  
 SHEET No.



**FIRST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

REVISIONS:

DATE: 02-25-13  
SCALE:  
DRAWN: GMZ  
JOB:  
SHEET No.



SECOND FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

REVISIONS:

DATE: 02-25-13

SCALE:

DRAWN: GMZ

JOB:

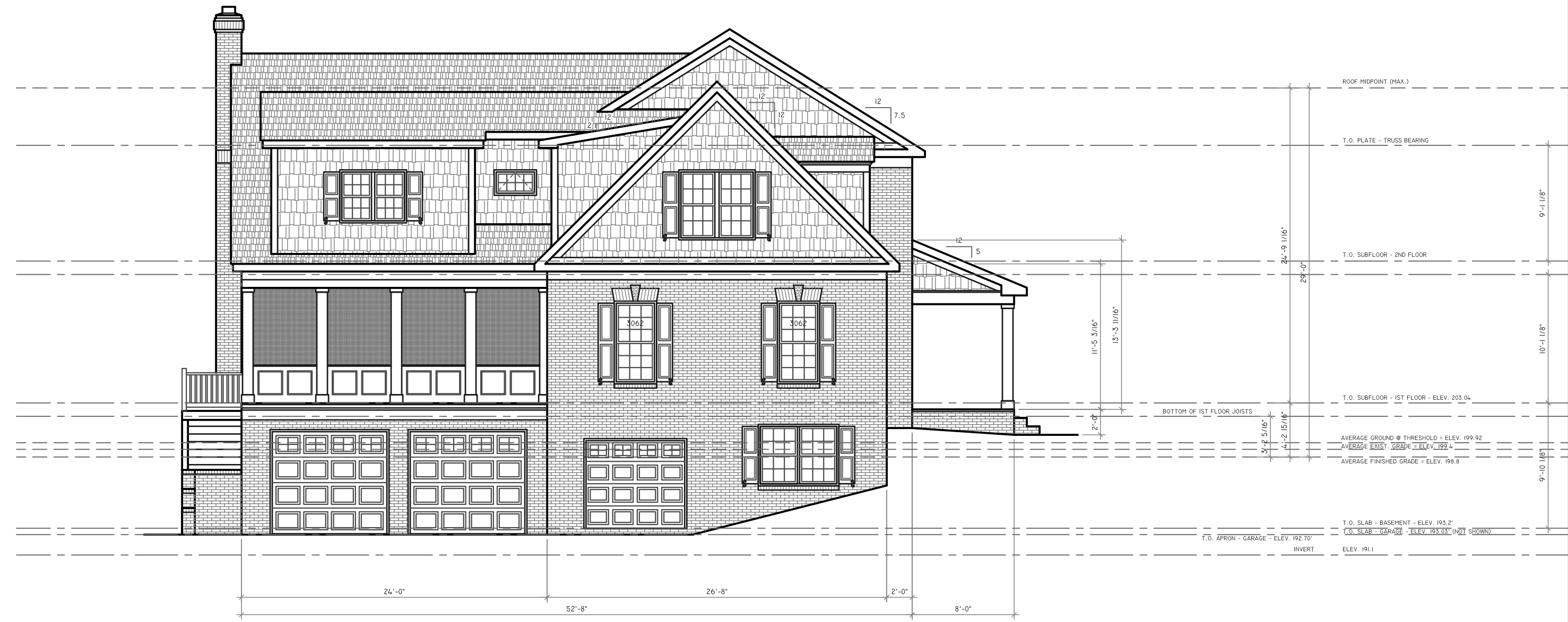
SHEET No.



**FRONT ELEVATION**  
SCALE: 1/8" = 1'-0"

REVISIONS:

DATE: 02-01-13  
SCALE:  
DRAWN: GMZ  
JOB:  
SHEET No.

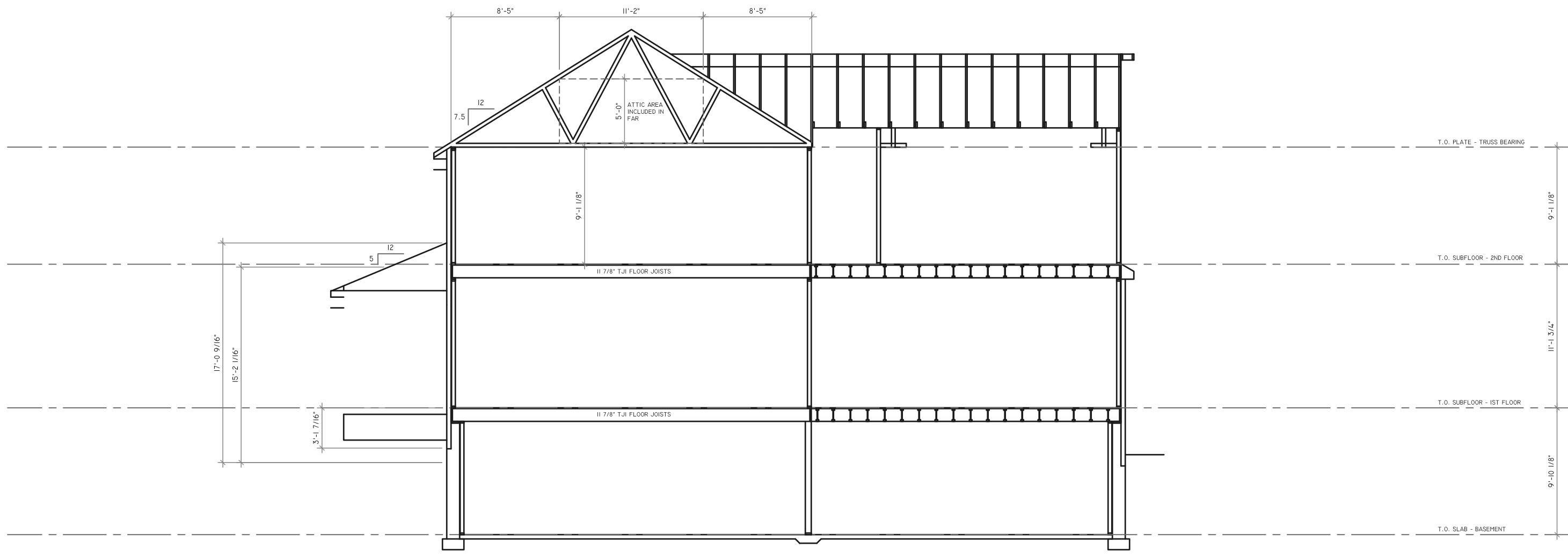


**LEFT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"



REAR ELEVATION  
SCALE: 1/8" = 1'-0"

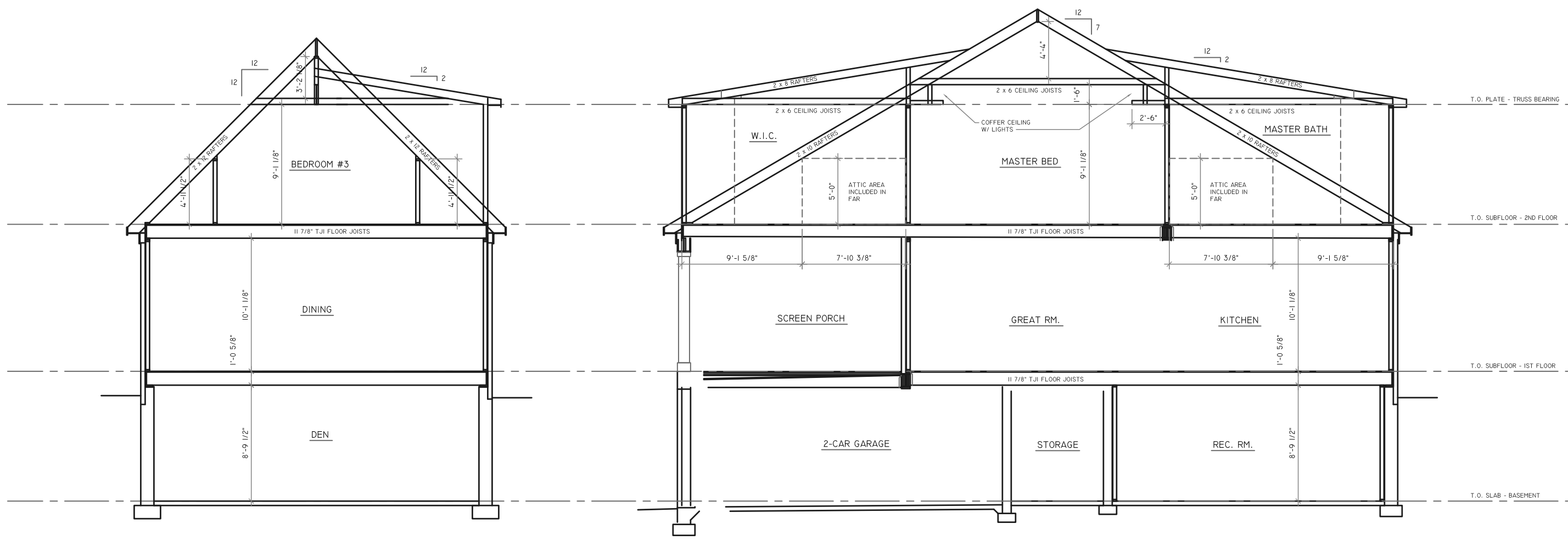




SECTION THRU CENTER FRONT-T0-BACK  
SCALE: 1/8" = 1'-0"

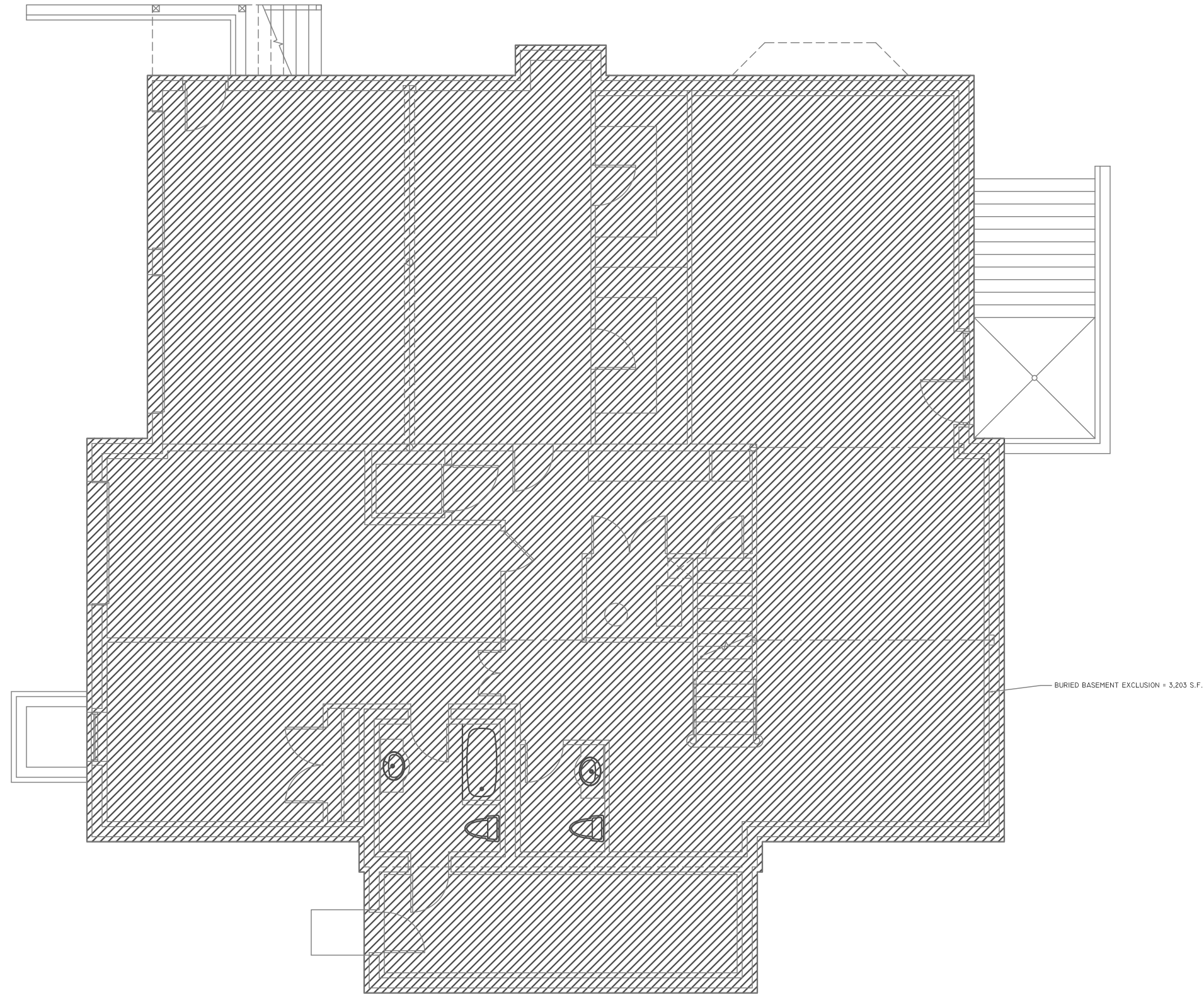
REVISIONS:

DATE: 02-01-13  
SCALE:  
DRAWN: GMZ  
JOB:  
SHEET No.



SECTION THRU RIGHT SIDE FRONT-TO-BACK  
SCALE: 1/8" = 1'-0" LEFT SIDE SIMILAR

SECTION THRU REAR SIDE-TO-SIDE  
SCALE: 1/8" = 1'-0"



**BASEMENT FAR EXCLUSIONS**

SCALE: 1/8" = 1'-0"

REVISIONS:

DATE: 02-25-13

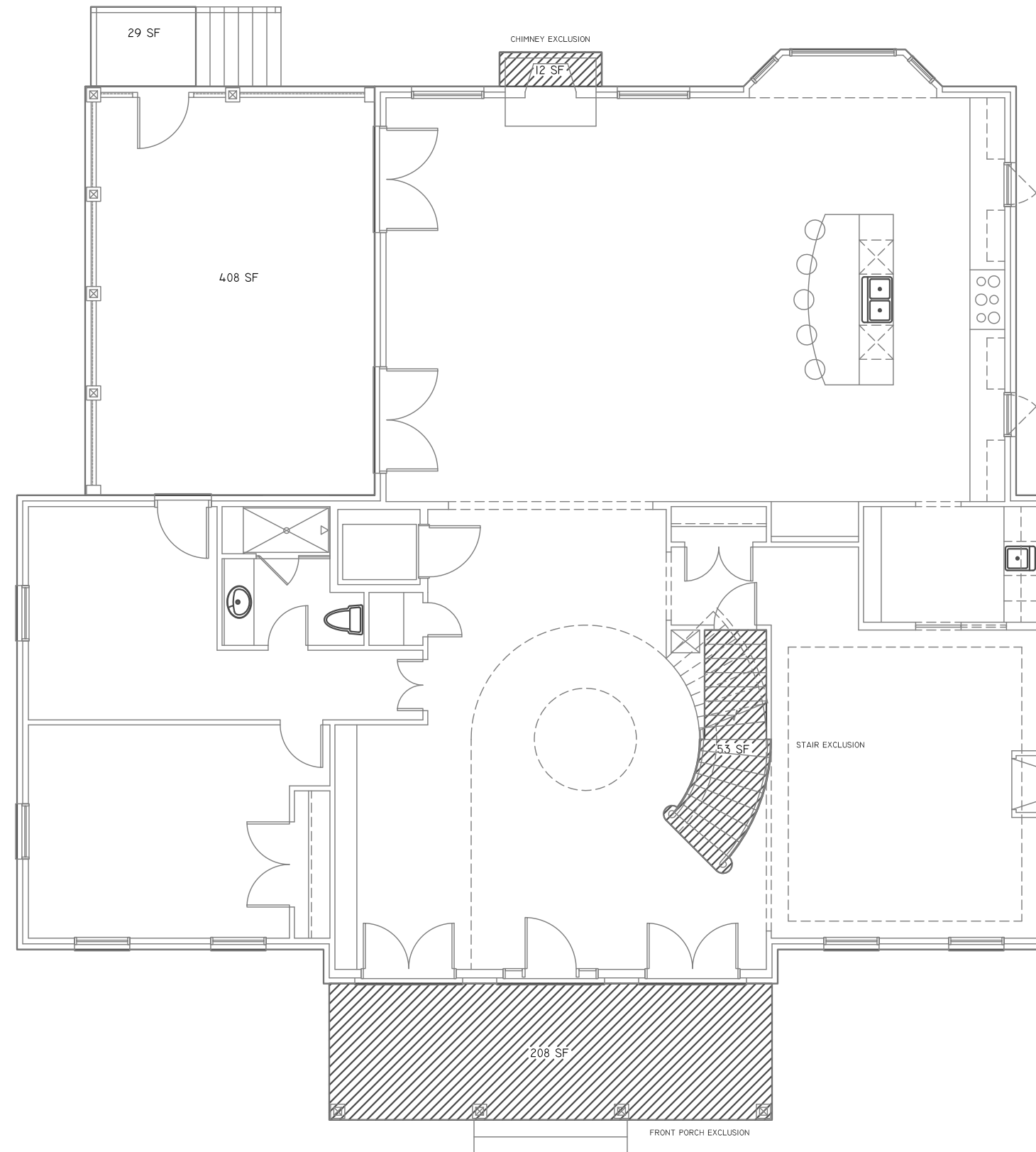
SCALE:

DRAWN: GMZ

JOB:

SHEET No.

F-1



FIRST FLOOR FLOOR AREA	
HOUSE:	2,608 S.F.
FRONT PORCH:	208 S.F.
REAR PORCH:	408 S.F.
STAIR LANDING:	29 S.F.
GROSS TOTAL:	2,063 S.F.
STAIR EXCLUSION:	
FRONT PORCH EXCLUSION:	53 S.F.
TOTAL EXCLUSIONS:	208 S.F.
NET AREA:	2,992 S.F.

**FIRST FLOOR FAR EXCLUSIONS**

SCALE: 1/8" = 1'-0"

REVISIONS:

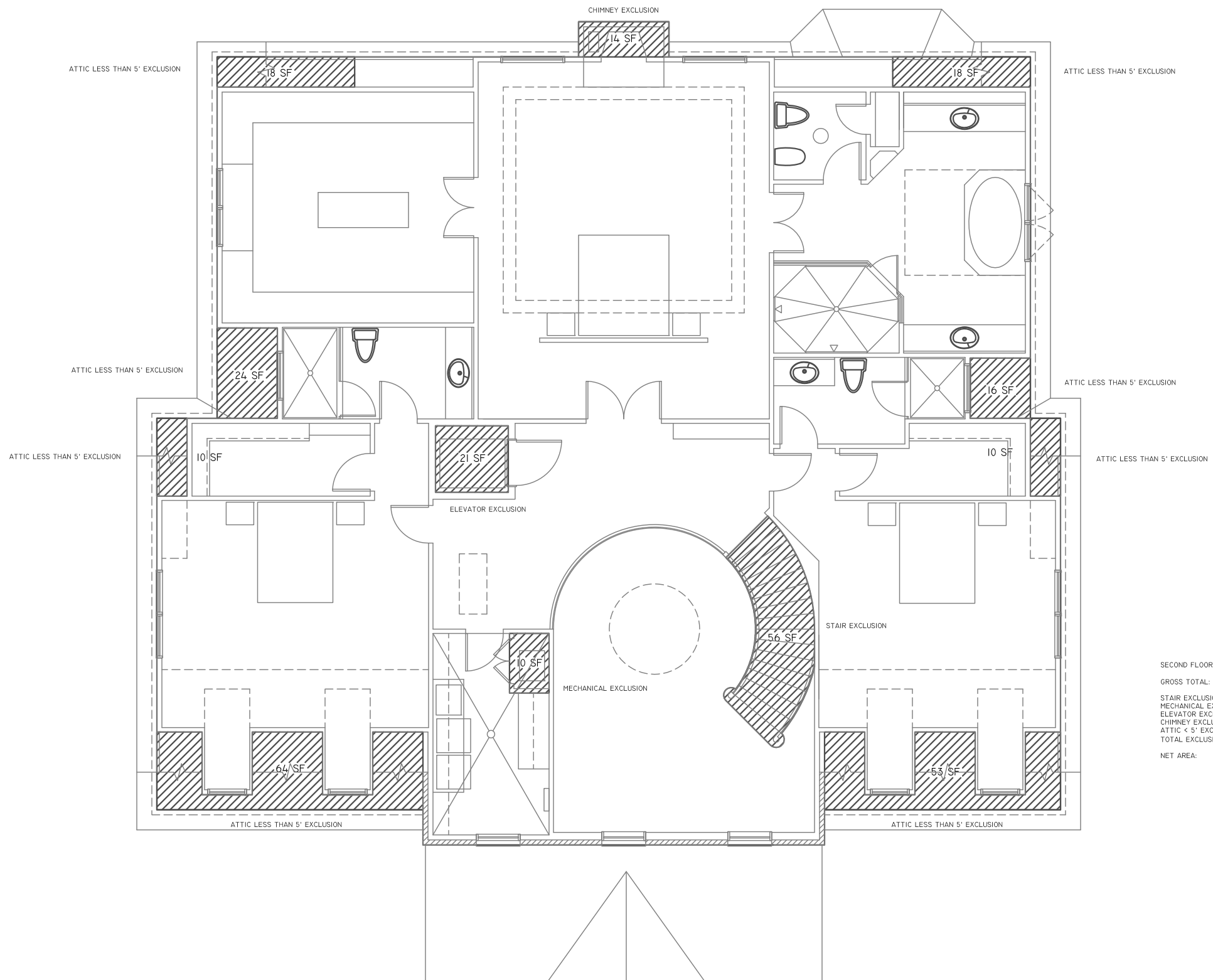
DATE: 02-25-13

SCALE:

DRAWN: GMZ

JOB:

SHEET No.



SECOND FLOOR FLOOR AREA

GROSS TOTAL:	2,932 S.F.
STAIR EXCLUSION:	56 S.F.
MECHANICAL EXCLUSION:	10 S.F.
ELEVATOR EXCLUSION:	21 S.F.
CHIMNEY EXCLUSION:	14 S.F.
ATTIC < 5' EXCLUSION:	213 S.F.
TOTAL EXCLUSIONS:	314 S.F.
NET AREA:	2,618 S.F.

**SECOND FLOOR FAR EXCLUSIONS**  
SCALE: 1/8" = 1'-0"

REVISIONS:

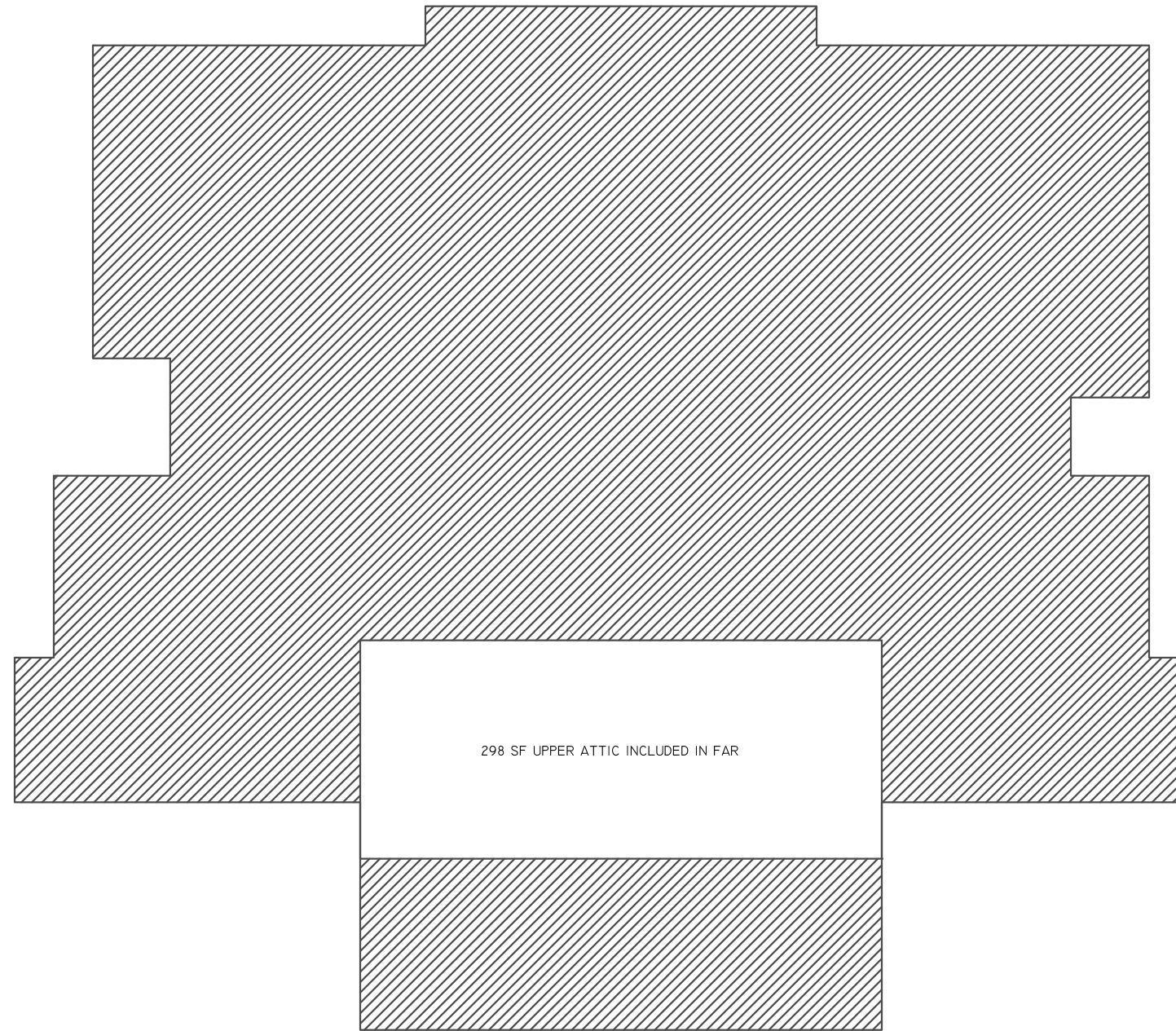
DATE: 02-25-13

SCALE:

DRAWN: GMZ

JOB:

SHEET No.



2463 SF UPPER ATTIC TOTAL AREA  
 2165 SF UPPER ATTIC LESS THAN 5' H.  
 EXCLUDED AREAS ARE HATCHED

**UPPER ATTIC FAR EXCLUSIONS**  
 SCALE: 1/8" = 1'-0"

REVISIONS:

DATE: 02-25-13

SCALE:

DRAWN: GMZ

JOB:

SHEET No.



**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

**Section of zoning ordinance from which request for variance is made:**

7- VARIANCE TO HAVE THE HVAC AND GENERATOR UNITS IN THE  
SECONDARY FRONT YARD

---

**PART A**

1) **APPLICANT:**         Owner   ( ) Contract Purchaser   ( ) Agent

**Name:**            VINSON BRETT & HARRIET JAMES MELVIN

**Address:**        1420 KEY DRIVE  
                         ALEXANDRIA, VA 22302

**Daytime Phone:**    703-608-3560

**Email Address:**    BRETT@BRETTMELVIN.COM

2) **Property Address:** 1420 KEY DR.  
                                 ALEXANDRIA, VA 22302

3) **Assessment Map #** 041.03 **Block** 03 **Lot** 40 **Zone** R-20

4) **Legal Property Owner Name:**    HARRIET JAMES & VINSON BRETT MELVIN

**Address:**                                1420 KEY DR.  
   ALEXANDRIA, VA 22302

**5. Describe request briefly:**

WE ARE REQUESTING A VARIANCE TO PLACE THE HVAC UNITS AND THE BACKUP GENERATOR IN THE SECONDARY FRONT YARD BEHIND A FENCE AND NOT VISIBLE FROM QUAKER LANE ON THE WEST SIDE OF THE HOUSE. THE CONSTRAINTS OF A CORNER LOT GREATLY LIMIT WHERE THESE HVAC UNITS CAN BE PLACED. BECAUSE THE UNIT NEEDS TO BE LOCATED AT THE MIDPOINT ON THE SIDE OF THE HOUSE TO KEEP IT AS NEAR TO THE HANDLER AND INSIDE UNIT AND JUNCTION BOX, THERE ARE ONLY 2 LOCATIONS THAT ARE OPTIMAL. THE OTHER LOCATION WOULD BE ON THE EAST SIDE OF THE HOUSE DIRECTLY OUTSIDE THE GARAGES EXPOSING IT TO THE POTENTIAL OF BEING HIT AND PLACING REGULAR HVAC NOISE UNDER OUR PORCH WHICH HAS PURPOSELY BEEN PLACED ON THE ONLY QUIET SIDE OF THE HOUSE.

**6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, VA?**      N/A

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property that is the subject of this application. The applicant, if others than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

**APPLICANT OR AUTHORIZED AGENT:**

VINSON BRETT MELVIN  
Print Name

  
Signature

703-608-3560  
Telephone

2-5-13  
Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2500 fine or both. It may also constitute grounds to revoke the permit applied for with such information.

**PART B (SECTION 11-1102)**

NOTE: The Board of Zoning Appeals may grant a variance only if the applicant can clearly demonstrate a hardship. A demonstrated hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property, for example, if a rear yard has sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A demonstrated hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a hardship having to do with specific conditions of the land.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(Please print clearly and use additional pages where necessary)

- 1. Does strict application of the zoning ordinance to the subject property result in a hardship to the owner? (Answer A or B).**
  - a. Explain how enforcement of the zoning ordinance will amount to a clearly demonstrable hardship.**

BECAUSE OUR HOME IS LOCATED ON A CORNER LOT, TO PLACE THESE UNITS ON THE EAST SIDE OF THE HOUSE WOULD EXPOSE THEM TO BEING HIT AND DAMAGED BY A CAR MOVING IN OR OUT OF THE DRIVEWAY AND GARAGES, OR TO HAVE A CHILD PLAYING BASKETBALL IN THE DRIVEWAY RUN INTO THEM AND SUFFERING A POTENTIALLY SERIOUS INJURY. AN ADDITIONAL HARDSHIP IS THAT ALL UTILITIES ARE CURRENTLY ON THE WEST SIDE OF THE HOUSE AND THEY WOULD ALL HAVE TO BE MOVED TO THE OTHER SIDE OF THE HOUSE, NOT AN INEXPENSIVE PROPOSITION THAT WE WOULD REALLY LIKE TO AVOID.

- 2. Is this hardship unique to the property?**
  - a. Explain if the hardship is shared by other properties in the neighborhood.**

IF THE VARIANCE IS NOT GRANTED TO PLACE THE UNITS ON THE WEST SIDE OF THE HOME, OUR ONLY KEY DRIVE NEIGHBORS WHO ARE LOCATED TO THE EAST OF OUR HOME WOULD BE EXPOSED TO THE UNSIGHTLYNESS AND REGULAR NOISE OF BOTH UNITS. ADDITIONALLY, THE UNITS WOULD BE VISIBLE TO EVERYONE DRIVING ON KEY DRIVE.

- b. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.**

THE NEIGHBOR DIRECTLY TO THE REAR OF OUR PROPERTY ON JANNEY'S LANE ALSO HAS THEIR HVAC SYSTEM LOCATED ON THE WEST (QUAKER LANE) OF THEIR HOUSE. THE WEST SIDE IS TRULY A MORE OPTIMAL LOCATION BECAUSE: 1) ANY NOISE CREATED BY THE SYSTEMS WOULD NOT BE NOTICED BY ANY OF THE CARS TRAVELING ON QUAKER LANE 2) THE ONLY OTHER THING ON THAT SIDE OF THE YARD WILL BE OUR VEGETABLE GARDEN 3) IT WOULD BE HIDDEN FROM VIEW BY THE FENCE.

**3. Was the hardship caused by the applicant? NO**

**a. Did the condition exist when the property was purchased?**

TO THE EXTENT THAT AS A CORNER PROPERTY ON A VERY HIGH TRAFFIC ROAD, THERE CAN TRULY ONLY BE 1 QUIET SIDE OUT OF THE 4 SIDES OF THE HOUSE. UNFORTUNATELY, IT IS THE ONLY SIDE OF THE HOUSE THAT THE REGULATIONS WILL ALLOW THE UNITS TO BE PLACED.

**b. Did the applicant purchase the property without knowing of this hardship?**

YES. I DO NOT THINK MOST PEOPLE CAN UNDERSTAND OR APPRECIATE ALL THE CHALLENGES THAT COME WITH BUILDING AND LIVING ON A CORNER LOT.

**c. How and when did the condition, which created the hardship, first occur?**

THE HARDSHIP IS A RESULT OF REBUILDING THE HOUSE.

**d. Did the applicant create the hardship and, if so, how was it created?**

ONLY TO THE EXTENT THAT WE WISH TO IMPROVE THE PROPERTY AND THEREBY ENHANCE THE NEIGHBORHOOD. WE HAVE TAKEN A PROPERTY THAT TRULY HAD BEEN NEGLECTED OVER MANY YEARS AND WORKED DILIGENTLY TO IMPROVE THE PROPERTY AND THE ENTRANCE TO OUR NEIGHBORHOOD.

**4. Will the variance, if granted, be harmful to others? NO.**

**a. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.**

THERE IS NO FORESEEABLE DOWNSIDE FOR ANY OF THE ADJACENT PROPERTY OWNERS OR THE NEIGHBORHOOD FOR THE GRANTING OF THIS VARIANCE. NEIGHBORS THAT WE HAVE SPOKEN TO HAVE BEEN COMPLETELY IN AGREEMENT WITH THE LOGIC AND WE HAVE EVEN ASKED NUMEROUS NEIGHBORS WALKING BY THE HOUSE ON QUAKER LANE, AND NOT ONE OF THEM HAS SHARED A NEGATIVE THOUGHT TO THE IDEA.

**BZA Case # 2013-0005**

- b. Explain how the proposed variance will affect the value of the adjacent and nearby properties.**

BY GRANTING THE VARIANCE IT WILL HAVE NO NEGATIVE AFFECTS ON THE NEIGHBORS AND WILL ACTUALLY HELP TO PREVENT THEM FROM SEEING AND HEARING LESS THAN ATTRACTIVE UNITS AND THE NEEDLESS ADDITIONAL NOISE THEY CREATE.

- c. Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor written a letter of support of the proposed variance? If so, please attach the letter or submit at the time of the hearing.**

THE APPLICANT HAS SHARED THE PLANS WITH AFFECTED NEIGHBORS AND ALL ARE SUPPORTIVE OF THE PLANS. LETTERS OF SUPPORT ARE ATTACHED WITH THE SETBACK VARIANCE REQUEST.

- d. Explain how the proposed variance will change the character of the neighborhood.**

THE VARIANCE WILL HAVE ABSOLUTELY NO AFFECT ON THE NEIGHBORHOOD. WE HAVE WORKED DILIGENTLY DURING THE LAST YEAR TO BE A GOOD NEIGHBOR TO ALL OF OUR NEIGHBORS AND EVEN THOSE WHO PASS BY OUR HOME ON QUAKER LANE. BECAUSE OF THIS, WE REGULARLY RECEIVE COMPLIMENTS AND PRAISE FROM THE NEIGHBORS FOR THE MANY IMPROVEMENTS WE HAVE ALREADY DONE ON THE PROPERTY.

- 5. Is there any other administrative or procedural remedy to relieve the hardship?**

ALL ADMINISTRATIVE REMEDIES THROUGH THE CITY ZONING DEPARTMENT HAVE BEEN EXHAUSTED AND THIS VARIANCE HAS BEEN SUBMITTED AT THEIR SUGGESTION.

**Part C.**

- 1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

BECAUSE THE EFFICIENCY OF THE UNIT IS AFFECTED BY THE DISTANCE BETWEEN THE UNITS AND THE AIR HANDLER AND/OR THE POWER BOX, THE BACK OF THE HOUSE IS NOT REALLY A VIABLE OPTION, MAKING THE ONLY OTHER VIABLE PLAN TO PLACE THE UNITS IN THE DRIVEWAY.

HVAC & GENERAL YARD/HOUSE  
PHOTO'S FOR APPEALS

FOR

THE MELVIN RESIDENCE  
1420 KEY DRIVE  
ALEXANDRIA, VA 22302

MARCH 14, 2013

This attachment provides a couple of different photo types, a) to support the request to have the HVAC/Backup Generator on the west side of the house, b) to show the existing house and the fence as they are today.



HVAC UNITS @ REAR NEIGHBOR



PROPOSED LOCATION OF OUR HVAC/GENERATOR



BACK OF OUR HOME FROM SE CORNER



BACK OF OUR HOME FROM SW CORNER (THE BUSH IS WHERE THE PROPOSED HVAC/GENERATOR WOULD BE PLACED)



SIDE & REAR VIEW OF HOME (THE VARIGATED EUONYMOUS WILL BE RELOCATED)



EAST SIDE VIEW OF HOME



NE VIEW OF HOME (THE HOLLY AND CAMILLIA WILL BE RELOCATED)



VIEW FROM THE FRONT OF HOME



VIEW OF THE WEST SIDE OF THE HOME (BOXWOOD ON THE LEFT TO BE RELOCATED)



REAR FENCE LINE FACING SE (BERM HAS BEEN PLANTED WITH 1,000 FLOWER BULBS & 3,000 PACHYSANDRA PLANTS, ADDITIONALLY ALL AZALEA PLANTS HAVE BEEN RELOCATED ON THE PROPERTY)



REAR & SIDE FENCE LINE FACING SW (BEYOND THIS CORNER LIES THE SEMINARY/JANNEYS & QUAKER INTERSECTION



WEST OR QUAKER LANE SIDE FENCE WHERE A 2011 VDOT STUDY SAYS OVER 22,000 VEHICLES PASS DAILY, PLUS AN ADDITIONAL 17,000 ON SEMINARY AND 6,900 ON JANNEYS LANE, FOR A TOTAL OF 45,900 VEHICLES... ALL WITHIN 100 FT OF MY YARD



THIS IS AN ENLARGEMENT OF THE PREVIOUS PICTURE WHERE ANOTHER EMERGENCY VEHICLE IS PASSING THRU THE INTERSECTION (I ESTIMATE ABOUT 30 A DAY)



VIEW OF THE SEMINARY ACROSS QUAKER TOWARD THE WEST



OUTSIDE OF FENCE ON QUAKER (NOTE THE BUS STOP ON THE LEFT)



(NOTE THE 20 CHERRY LAURELS PLANTED IN THE INSETS)



THE FENCE RANGES FROM A MINIMUM OF 3' TO A MAXIMUM OF 6' FROM THE SIDEWALK AND THE NEIGHBORS BACK PROPERTY LINE



VIEW FROM OUTSIDE THE REAR FENCE WHICH REPLACED A 60 YEAR OLD CHAIN LINK FENCE (NOTE THERE ARE NOW FIVE 17' EMERALD THUJA'S AND FOURTY 3' LEYLAND CYPRESS ALONG THIS FENCE. ADDITIONALLY EACH POST HAS A SOLAR LAMP LIGHT CROWNING IT)



**APPLICATION  
BOARD OF ZONING APPEALS**

**SPECIAL EXCEPTION FOR PORCHES**

*Special Exception*

**Section of zoning ordinance from which request for variance is made:**

~~3-306 (A) (1)~~ **7-2503(A)**

---

**PART A**

1) **APPLICANT:**         Owner     Contract Purchaser     Agent

**Name:**            VINSON BRETT & HARRIET JAMES MELVIN

**Address:**        1420 KEY DRIVE  
ALEXANDRIA, VA 22302

**Daytime Phone:**    703-608-3560

**Email Address:**    [BRETT@BRETTMELVIN.COM](mailto:BRETT@BRETTMELVIN.COM)

2) **Property Address:** 1420 KEY DR.  
ALEXANDRIA, VA 22302

3) **Assessment Map #** 041.03 **Block** 03 **Lot** 40 **Zone** R-20

4) **Legal Property Owner Name:**    HARRIET JAMES & VINSON BRETT MELVIN

**Address:**                            1420 KEY DR.  
ALEXANDRIA, VA 22302

**5. Describe request briefly:**

SPECIAL EXCEPTION TO BUILD A COVERED FRONT PORCH MEASURING 26' X 8'  
SITUATED 44.6 FROM THE FACE OF THE CURB OF KEY DRIVE.

**6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, VA? N/A**

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property that is the subject of this application. The applicant, if others than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

**APPLICANT OR AUTHORIZED AGENT:**

VINSON BRETT MELVIN  
**Print Name**

  
**Signature**

703-608-3560  
**Telephone**

1-30-13  
**Date**

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2500 fine or both. It may also constitute grounds to revoke the permit applied for with such information.

Note to Applicant: Only one special exception per dwelling shall be approved under the provisions of Section 11101302(B)(4)

**PART B (SECTION 11-1302(C) and 11-1304)**

APPLICANT MUST COMPLETE THE FOLLOWING:  
(Please use additional sheets where necessary.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**  
(Please print clearly and use additional pages where necessary)

1. **Please provide the following details of the proposed:**
  - a. **Porch projection from front building wall to deck edge 8.0'**
  - b. **Length of building wall where porch is to be built 26.7**
  - c. **Length of porch deck 26.0'**
  - d. **Depth of overhang 1.0'**
  - e. **Distance of furthest projecting porch element from the curb 44.6**
  - f. **Overall height of porch from finished or existing grade 15' to midpoint - 17' to highest point**
  - g. **Height of porch deck from finished or existing grade 2.4'**
  
2. **Explain the conditions of the subject property which prevent locating the proposed porch in compliance with the zoning ordinance. THE HOUSE IS SETBACK 52.6 FROM KEY DR. THE PROPERTY IS A CORNER LOT WITH 2 FRONT YARDS AND A CULVERT RUNNING THRU THE BACK OF THE PROPERTY.**
  
3. **Explain if the proposed porch will be detrimental to the adjacent properties of the neighborhood in general. THE PROPOSED PORCH WILL NOT BE DETRIMENTAL. MANY OTHER HOMES ON THE STREET AND IN THE NEIGHBORHOOD HAVE PORCHES.**
  
4. **Explain how the proposed porch will affect the light and air to any adjacent property. THE PORCH WILL NOT BLOCK AIR OR LIGHT TO ANY ADJACENT PROPERTY BECAUSE IT IS A CORNER LOT WITH NO NEIGHBOR ON ONE SIDE AND THE ONLY ADJACENT NEIGHBORS' LOT IS ALSO ROUGHLY ½ ACRE WHICH LEAVES PLENTY OF SPACE BETWEEN THE HOMES.**
  
5. **Has the applicant shown the plans to the most affected property owner? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter. APPLICANT HAS SHARED THE PLANS WITH NEIGHBORS MOST AFFECTED AND LETTERS OF SUPPORT ARE ATTACHED.**

6. **The applicant shall demonstrate by clear and convincing evidence that the proposed porch is compatible with the existing building architecture, neighboring properties and neighborhood character. Provide information such as style and number of similar porches in the immediate neighborhood (provide dimensions and roof heights as well as distance from curb line). Photographs should be included as part of the evidence supporting this request. SEE ATTACHED PHOTOS AND DRAWINGS. THE PROPOSED PORCH WILL ADD CHARACTER AND INTEREST TO THE FRONT FACADE OF A TRADITIONAL CENTER HALL COLONIAL. IT WILL BE IN KEEPING WITH OTHER PORCHES AND PORTICOS ON KEY DR. AND THROUGHOUT ALEXANDRIA. ADDITIONALLY THE PORCH WILL PROVIDE PROTECTION FROM THE ELEMENTS FOR MAIL AND PACKAGES LEFT AT THE FRONT DOOR AS CURRENTLY MAIL AND PACKAGES ARE LEFT EXPOSED TO THE ELEMENTS.**

- b. Explain how the proposed variance will affect the value of the adjacent and nearby properties.**

BY GRANTING THE VARIANCE THE HOMEOWNER WILL BE ABLE TO CONSTRUCT A HOME THAT COMPLEMENTS THE STYLE OF THE NEIGHBORHOOD WHILE SERVING AS AN AESTHETICALLY PLEASING WELCOME TO THOSE ENTERING AND EXITING THE NEIGHBORHOOD AND ALSO PROVIDES A MORE POSITIVE TAX BASE FOR THE CITY.

- c. Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor written a letter of support of the proposed variance? If so, please attach the letter or submit at the time of the hearing.**

THE APPLICANT HAS SHARED THE PLANS WITH NEIGHBORS AND ALL ARE SUPPORTIVE OF THE PLANS. LETTERS OF SUPPORT ARE ATTACHED.

- d. Explain how the proposed variance will change the character of the neighborhood.**

THE VARIANCE AND SPECIAL EXCEPTION WILL RESULT IN A HOME THAT IS COMPLEMENTARY TO THE NEIGHBORHOOD AND IMPROVES THE CHARACTER OF THE NEIGHBORHOODS SINGLE ENTRANCE AND EXIT. ALL IN ALL, THERE IS NO NEGATIVE AFFECT TO THE NEIGHBORHOOD AND ONLY A POSITIVE AFFECT. WE HAVE REPEATEDLY RECEIVED COMPLIMENTS AND PRAISE FROM THE NEIGHBORS FOR THE MANY IMPROVEMENTS WE HAVE ALREADY DONE ON THE PROPERTY.

- 5. Is there any other administrative or procedural remedy to relieve the hardship?**

ALL ADMINISTRATIVE REMEDIES THROUGH THE CITY ZONING DEPARTMENT HAVE BEEN EXHAUSTED AND THIS VARIANCE HAS BEEN SUBMITTED AT THEIR SUGGESTION AND WITH THEIR SUPPORT.

**Part C.**

- 1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

OTHER PLANS OR SOLUTIONS ARE NOT AVAILABLE TO RESOLVE THIS SETBACK PROBLEM BECAUSE A) IT IS A CORNER LOT AND B) THE CULVERT THAT DICTATES THE GREAT DIFFERENCES IN THE NEIGHBORHOOD HOMES' SETBACK IS UNIQUE TO THIS LOCATION. UNFORTUNATELY THE ZONING AND PLANNING DEPARTMENT IS LIMITED TO INTERPRETING DATA FROM A CALCULATION THAT CANNOT TRULY ADDRESS THIS UNIQUE SITUATION.

FRONT PORCH PHOTO'S  
FOR SPECIAL EXCEPTION APPEAL

FOR

THE MELVIN RESIDENCE  
1420 KEY DRIVE  
ALEXANDRIA, VA 22302

MARCH 14, 2013

This attachment provides photos of homes within our neighborhood that support the request to include a front porch.













**APPLICATION  
BOARD OF ZONING APPEALS  
SPECIAL EXCEPTION FOR FENCES**

**Section of zoning ordinance from which request for special exception is made:**

**SECTION 7-1700 FENCE ON A CORNER LOT**

**PART A**

**1) APPLICANT:         Owner    Contract Purchaser    Agent**

**Name:            VINSON BRETT & HARRIET JAMES MELVIN**

**Address:        1420 KEY DRIVE  
ALEXANDRIA, VA 22302**

**Daytime Phone:    703-608-3560**

**Email Address:    BRETT@BRETTMELVIN.COM**

**2) Property Address: 1420 KEY DR.  
ALEXANDRIA, VA 22302**

**3) Assessment Map # 041.03 Block 03 Lot 40 Zone R-20**

**4) Legal Property Owner Name: HARRIET JAMES & VINSON BRETT MELVIN**

**Address:                    1420 KEY DR.  
ALEXANDRIA, VA 22302**

**5. Describe request briefly:**

IN APRIL OF 2012, WE CONTACTED THE DEPT. OF PLANNING AND ZONING CONCERNING THE ERECTION OF A FENCE ON OUR PROPERTY. THE DEPT. PROVIDED BOTH WRITTEN AND GRAPHICAL DIRECTIONS ON A PLAT OF OUR PROPERTY THAT WE FOLLOWED EXACTLY. 10 MONTHS AND \$30,000 LATER, THOSE DIRECTIONS ARE NOW BEING CALLED INTO QUESTION BY THAT SAME DEPT.OF PLANNING & ZONING.

**6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, VA?** N/A

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property that is the subject of this application. The applicant, if others than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

**APPLICANT OR AUTHORIZED AGENT:**



VINSON BRETT MELVIN  
**Print Name**

\_\_\_\_\_  
**Signature**

703-608-3560  
**Telephone**

2-1-13  
**Date**

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2500 fine or both. It may also constitute grounds to revoke the permit applied for with such information.

Note to Applicant: Only one special exception per dwelling shall be approved under the provisions of Section 11101302(B)(4)

**PART B (SECTION 11-1304)**

**APPLICANT MUST COMPLET THE FOLLOWING:**

(Please use additional sheets where necessary.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(Please print clearly and use additional pages where necessary)

- 1. Explain the conditions of the subject property which prevent locating the proposed porch in compliance with the zoning ordinance. OUR CORNER PROPERTY IS LOCATED ON A HIGHLY TRAFFIC'D LOCATION. THE FENCE WAS ERECTED LAST SUMMER AFTER EXTENSIVE INTERACTION WITH THE CITY, STARTING LAST APRIL. I BOTH MET AND CONSULTED CLOSELY WITH THE DEPT. OF PLANNING & ZONING. IT WAS WITH THEIR GUIDANCE & BLESSING THAT THE FENCE WAS ERECTED. BASED ON THE ACCOMPANYING EMAILS AND GRAPHIC DRAWING ON A PLAT OF OUR PROPERTY IT IS OBVIOUS THAT WE CAREFULLY FOLLOWED THE GUIDANCE THE DEPT. OF PLANNING & ZONING PROVIDED.**
- 2. How does compliance with the fence regulations pose an unreasonable burden on the owner's use and enjoyment of the property? Explain the circumstances as to why the proposed fence should be located in a required front yard.**

RETROACTIVELY COMPLYING WITH REGULATIONS WHICH WERE PREVIOUSLY PROVIDED BY THE DEPT. OF PLANNING & ZONING AND FOLLOWED METICULOUSLY IS UNREASONABLE BECAUSE OVER \$25,000 WAS SPENT ERECTING A FENCE WHICH WAS NECESSARY FOR THE SECURITY AND PRIVACY OF OUR FAMILY. WHILE CLEANING OUR THE JUNGLE WHICH PREVIOUSLY EXISTED IN THE BACK YARD, IT BECAME OBVIOUS THAT A PRIVACY FENCE WAS NECESSARY IN THE BACK YARD. THE AREA WAS FILLED WITH BOTH VARIOUS FORMS OF BOTH ALCOHOL RECEPTACLES AND DRUG PARAPHENALIA. AS PARENTS OF AN 8 YEAR OLD BOY LIVING IN A LOCATION THAT HAS A HIGH LEVEL OF BOTH VEHICULAR AND WALKING TRAFFIC, WE IMMEDIATELY REALIZED A PRIVACY FENCE WAS OF UTMOST IMPORTANCE. A GOOD EXAMPLE CONCERNS THE CAR WHICH JUMPED THE CURB AND DROVE THRU OUR YARD THE WEEK BEFORE WE OCCUPIED THE HOUSE.

- 3. Explain how the proposed fence will affect the light and air to any adjacent property AND IMPACT TRAFFIC CONGESTION OR PUBLIC SAFETY. THE FENCE HAS HAD NO AFFECT ON THE LIGHT OR AIR TO ANY OF THE ADJACENT PROPERTIES AND HAS RECEIVED UNANIMOUS PRAISE AND ACCOLADES FROM EVERYONE IN THE NEIGHBORHOOD.**

4. **Explain how the proposed fence is compatible with other fences in the neighborhood and the character of the neighborhood as a whole. List example of similar fences. AS MENTIONED PREVIOUSLY, THERE ARE AT LEAST 4 FENCES WITH ALMOST THE EXACT SAME DESIGN WITHIN 1/4 OF A MILE FROM OUR HOME. EVEN MORE IRONICALLY, EACH OF THEM ARE LOCATED AT THE INTERSECTION CLOSEST TO OUR HOME EXCEPT IN 4 DIFFERENT DIRECTIONS. THE ADDRESSES FOR THE HOMES AND PICTURES OF THE FENCES ARE ATTACHED.**
  
5. **Explain if the proposed fence will be detrimental to any other properties in the neighborhood. THE FENCE IS IN NO WAY A DETRIMENT TO ANY OF THE PROPERTIES IN THE NEIGHBORHOOD. INTERESTINGLY ENOUGH, THE NEIGHBOR DIRECTLY ADJACENT TO THE PROPERTY IS DOUBLY PLEASED WITH THE FENCE BECAUSE IT PROVIDES ADDITIONAL SECURITY AND PRIVACY FOR THEIR HOME AND BACK YARD.**
  
6. **Has the applicant shown the plans to the most affected property owner? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter. THE NEIGHBORS ARE ALL FAMILIAR & ECSTATIC WITH THE FENCE SINCE IT HAS BEEN UP SINCE LAST SUMMER. THEY BELIEVE IT HAS ADDED GREATLY TO THE VALUE AND AMBIENCE OF THE NEIGHBORHOOD. INTERESTINGLY ENOUGH, WE HAVE RECEIVED DOZENS OF POSITIVE COMMENTS FROM RESIDENTS OF THE NEIGHBORHOOD AND PERSONS DRIVING BY THE HOUSE CONCERNING THE FENCE AND NOT ONE NEGATIVE COMMENT.**

FENCE  
PHOTO'S & RELATED INFORMATION  
SPECIAL EXCEPTION

FOR

THE MELVIN RESIDENCE  
1420 KEY DRIVE  
ALEXANDRIA, VA 22302

MARCH 14, 2013

This attachment provides documentation of previous interactions with the city concerning this particular subject and photos that support the request. I relied upon these conversations and drawings by the Dept. of Planning & Zoning in the planning, execution and construction of my fence.

Brett,

It is good that you contacted us first, as an 8' fence may be permitted on your lot assuming it meets setback requirements. Because you are on a corner lot, your west property along N. Quaker is considered a front yard, and you have two side yards. The front yard setback is 40' and the side yard setback is 12'.

A 6' fence would be permitted for some areas on your property, and a 3.5' fence that is 50% open would be permitted anywhere on your property.

In order to help show where a 6' fence is permitted, I have attached a color PDF. I hope that it is clear.

On the attached plat, the area highlighted in yellow shows that you can have a 6' tall fence up to the property line. The blue shows that you can have a 6' fence as long as it 1) is behind the plane of the front building wall and 2) meets the zone setback (in this case, 40'). **In your secondary front yard along N. Quaker Lane, you may have a 6' fence that extends from the rear building wall, and then along the front as long as there is a 3' setback from the sidewalk.**

I realize that this is a bit complicated, so please do feel free to contact me with any questions.

Eileen M. Oviatt  
Urban Planner II, Permit Center  
City of Alexandria, Virginia  
Department of Planning and Zoning  
703.746.3839 (direct)  
www.alexandriava.gov

-----Original Message-----

From: Brett Melvin [mailto:brettmelvin@aol.com]  
Sent: Monday, April 30, 2012 1:18 AM  
To: Eileen Oviatt  
Cc: Shanna Austin; Peter Leiberg  
Subject: Re: Proposed addition - 1420 Key Drive

Ladies and Gentlemen,

Hope you all had a great weekend! I am grateful we finally some nice weather.

I was wondering if one of you could clarify a question concerning the fence i want to put up on the back half of my property line on the Quaker Lane side. I was getting ready to order my fence and over the weekend I received several different suggested height requirements from my all knowing and well meaning neighbors.

So I figured before I placed the order and made the investment I would ask someone who could truly confirm the height. Some have told me that since Quaker Lane is a major thoroughfare I could go to as high as 8 ft...but my understanding had been 6 ft.

Can one of you most knowledgeable of persons confirm the true and actual height for a fence on a road as busy as Quaker Lane? Or pass the question on to the person who can?

Your quick response and confirmation would be greatly appreciated.

Best,  
Brett

V. Brett Melvin  
703.608.3560





**CORNER OF KEY DR. AND QUAKER LANE (1420 KEY DRIVE)**





**CORNER OF BISHOP LANE AND QUAKER LANE (1409 BISHOP LANE)**





**CORNER OF JANNEY'S LANE & JANNEY'S LANE (1200 JANNEY'S LANE)**





**CORNER OF SEMINARY & FT. WILLIAM PARKWAY (3750 SEMINARY ROAD)**





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