

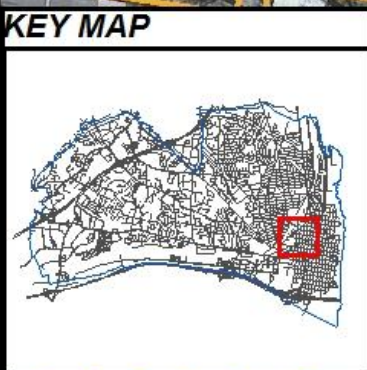
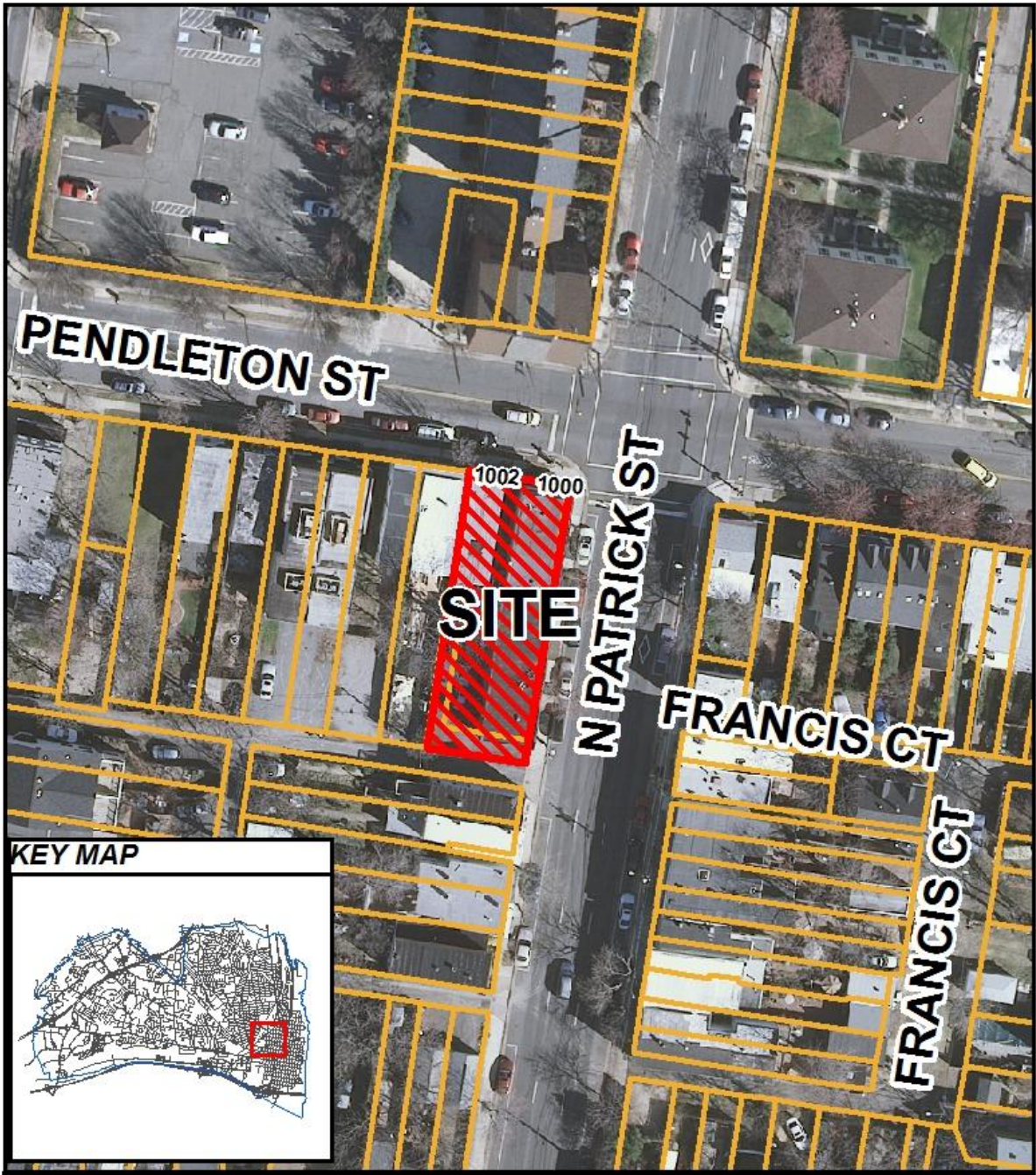


Docket Item #7
Subdivision #2013-0004
1000-1002 Pendleton Street - Subdivision

| Application | General Data | |
|--|---|------------------------------|
| Consideration of a request for a subdivision with variations. | Planning Commission Hearing: | June 4, 2013 |
| | Approved Plat must be recorded by: | December 4, 2014 |
| Address: 1000-1002 Pendleton Street | Zone: | CSL / Commercial Service Low |
| Applicant: Classic Cottages, LLC by Duncan Blair, attorney | Small Area Plan: | Braddock Road Metro |

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

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUB #2013-0004
1000 - 1002 Pendleton St.

6/4/2013 N



I. DISCUSSION

The applicant, Classic Cottages LLC, contract purchaser, by Duncan Blair, attorney, requests subdivision approval with variations at 1000-1002 Pendleton Street.

SITE DESCRIPTION

The subject site consists of one lot of record with 43 feet of frontage on Pendleton Street, 121 feet of frontage on North Patrick Street and a total lot area of 4,601 square feet, which may increase to 5,286 upon final approval of the requested vacation of adjacent City-owned land. The lot is developed with two separate structures. The building at 1000 Pendleton is a two-story commercial building that is currently vacant. The building at 1002 Pendleton is a two-story single-family residence.



The immediate vicinity is surrounded primarily by residential townhouses. A surface parking lot used by United States Postal Service employees is located at the western end of the 1000 block of Pendleton Street. Commercial uses, including a Starbucks restaurant in the Monarch/Henry building, are located about a block to the west on North Henry Street.

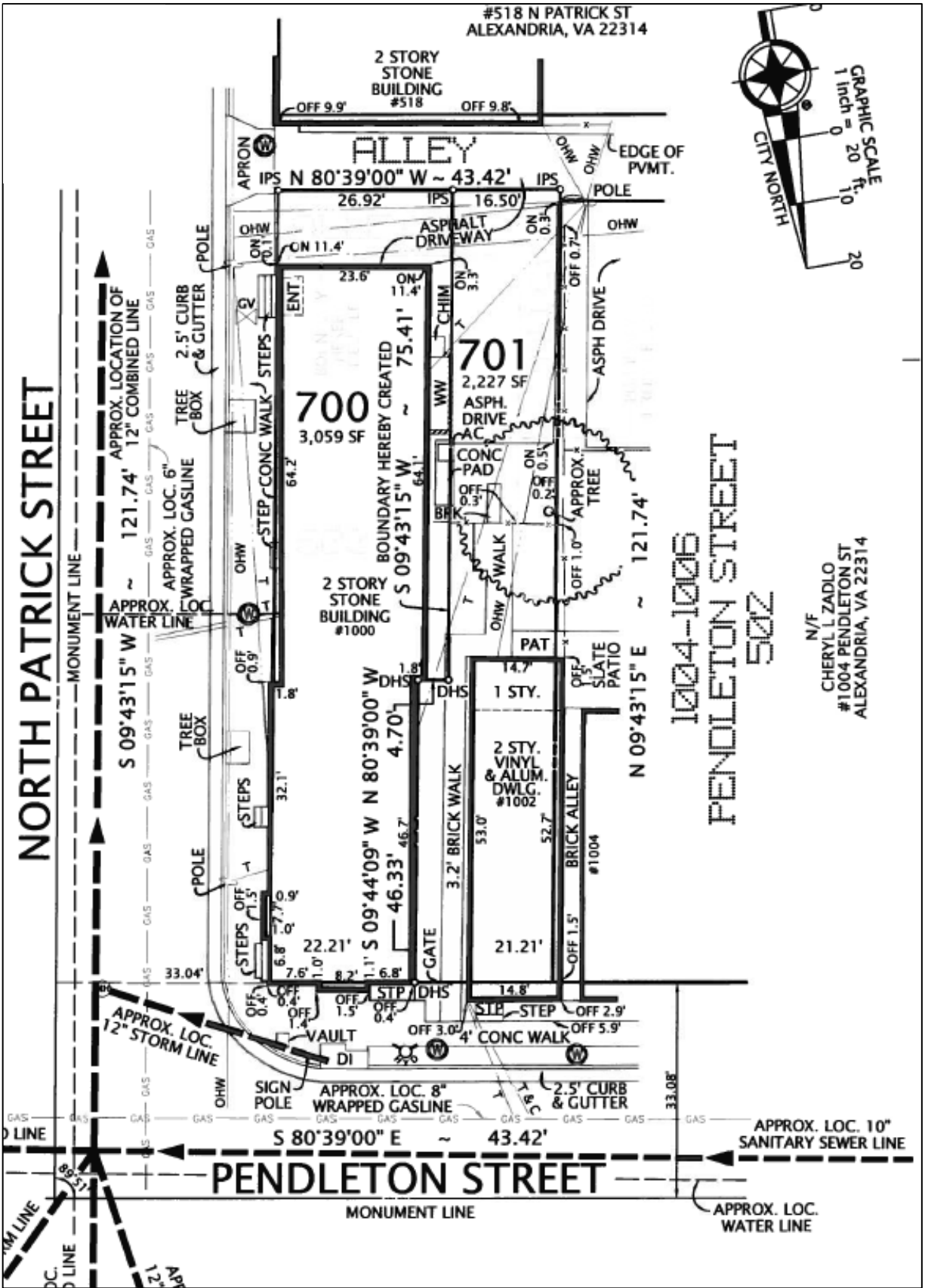


BACKGROUND

Historically, the property has been configured as two lots. In 1949, the property owner dedicated 685 square feet of the rear portion of the property to the City for public right-of-way. The two lots were consolidated by the property owner in 1976.

City Council has approved VAC#2013-0002 to vacate the 685 square feet of land and sell it back to the applicant subject to a final determination, by Council-appointed “viewers” of the application as required by City Code, that the vacation is appropriate. Upon final approval and execution of a sale agreement, the land will be consolidated with 1000-1002 Pendleton.

Figure 1



PROPOSAL

The applicant proposes to subdivide the property into two newly-configured lots as shown on the prior page such that each structure on the property will be located on its own lot. The existing commercial building at the corner of Pendleton and North Henry Streets (1000 Pendleton) will be located on proposed Lot 700. The existing residence will be located on proposed Lot 701 (1002 Pendleton). Lot 700 will have a total lot area of 3,059 square feet and lot frontage/width of 22.21 feet. Lot 701 will have a total lot area of 2,227 square feet and lot frontage/width of 21.21 feet.

Pursuant to Section 11-1713(E) of the Zoning Ordinance, the applicant is requesting variations from zoning requirements to allow the following:

- 1) the creation of Lot 701 with less lot area and width/frontage than required;
- 2) the creation of a reduced eastern side yard setback on Lot 701 as a result of the newly-created property line between the existing structures; and
- 3) the continuation of the existing noncomplying structures which will continue to exceed, to a greater degree, the maximum FAR requirement (Lot 700) and will continue to have reduced front and western side yard setbacks than required (Lot 701);

ZONING

The property is located within the CSL / Commercial Service Low zone, which specifies different zoning requirements for non-residential and residential properties. As shown in the table below, although the proposed lots and existing structures meet some of the zoning requirements for the CSL zone, they do not meet all of the requirements. The existing structures are considered noncomplying.

| | Existing Lot 600 (upon final vacation approval) | Required Lot 700 | Proposed Lot 700 | Required Lot 701 | Proposed Lot 701 |
|----------------------|--|-------------------------|---------------------------|-------------------------|---------------------------------------|
| Lot Size | 5,286 Sq. Ft.* | None | 3,059 Sq. Ft | Minimum 5,000 Sq. Ft. | <u>2,227 Sq. Ft</u> |
| Lot Width / Frontage | 43.42 feet* (Pendleton) | None | 22.21 feet (Pendleton) | Minimum 50 feet | <u>21.21 feet</u> |
| | 121.74 feet (N. Henry) | | 121.74 feet (N. Henry) | | |
| FAR | 1.25* | Max 0.5 | <u>1.66</u> | Maximum 0.75 | 0.68 |
| Front Yard | Off 2.9 feet* | None | Off 0.4 feet | Minimum 20 feet | <u>Off 2.9 feet</u> |
| Side Yards | Off 1.5 feet* (Western side) | None | None | Minimum 8 feet** | <u>3.5 feet</u> (Eastern side) |
| | | | | | <u>Off 1.5 feet</u> (Western side) |

*Currently does not meet Zoning Ordinance requirement.

** Based on applicant's statement that height of 1002 Pendleton dwelling does not exceed 24 feet.

SUBDIVISION STANDARDS

In addition to a series of technical land and plat requirements (Sections 11-1706 and 11-1709) and a general requirement that all lots meet zoning requirements (11-1710(D)), the Zoning Ordinance requires that every subdivision lot be consistent with the character of other lots in the subdivision and the area and specifically “of substantially the same character as to suitability for [residential] use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions...” Section 11-1710(B).

VARIATION STANDARDS

Each new lot in an approved subdivision is required by the Zoning Ordinance to comply with the zoning requirements for the zone in which the subdivision is located (Section 11-1710(D)). However, under Section 11-1713, a subdivision request may be approved that creates or continues lots or structures that are out of compliance with all zoning requirements if the request meets the standards for a “variation” from subdivision requirements. Section 11-1713 includes three standards to be reviewed as part of the variation process:

- (1) Whether, as a threshold matter, the proposal falls within one of the following circumstances:
 - (A) Extremely rugged topography.
 - (B) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.
 - (C) 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 now less than 30 feet in width. If only a single lot is served, the width may be less than 30 feet. A turn around area may be required.
 - (D) Streets along border of the subdivision where the subdivision borders on unsubdivided land and the remaining street width will be provided from adjacent land.
 - (E) Resubdivision of lots in subdivisions of record as of January 1, 1952, where, because of existing structures or gross area of land involved, the subdivided lots would not conform to all of the requirements of the zone in which the subdivision is located;
- (2) Whether substantial injustice will result from strict adherence to the zoning rules; and
- (3) Whether the use or character of the resulting lots or parcels is consistent with the use provisions of the zone in which the property is located or the development in the immediate area.

II. STAFF ANALYSIS

Staff does not object to the subdivision application. Although the proposed lots will not comply with lot width and lot frontage requirements and certain aspects of the existing buildings will continue to be noncomplying, staff finds that the request meets the standard for granting a subdivision with variations, including the standard requiring the new lots to be consistent with the neighborhood character.

Variation Eligibility

Section 11-1713 (E) requires the property to have existed as lots of record before January 1, 1952 and that either the gross area of land at the site or the presence of existing structures prevents the subdivided lots from meeting Zoning Ordinance requirements. In this case, the applicant has submitted material showing that the property was configured as two lots in 1945 (and likely much earlier) and was later consolidated in 1976. The proposal is also consistent with the second part of 11-1713(E) regarding the presence of existing structures and the gross area of land. The existing structures on the property date back to at least 1902. Not including the public right-of-way at the southern edge of the property that is expected to be vacated, the entire site is less than the 5,000 square-foot minimum lot area requirement in the CSL zone for the single-family dwelling alone. Under these circumstances, staff believes that the proposal meets the Section 11-1713 (E) requirement.

Neighborhood Character

Once eligible, a request for a variation requires analysis of whether the use or character of the new lots is consistent with the use provisions of the zone and with the development in the immediate area. Similarly, Section 11-1710(B) requires an analysis for issues of “character” regardless of whether a subdivision request includes a variation. Specifically it requires that no lot be resubdivided in such a manner as to detract from the value of adjacent property and that resubdivided lots must be of substantially the same character as other land within the subdivision with respect to suitability for residential use and structures; lot area; orientation; street frontage; and alignment.

In this case the applicant is requesting approval for two small lots, 21 and 22 feet wide, that are much narrower than they are long. They are oriented perpendicular to the street and have straight lot lines with right angles. They are suitable for residential or commercial uses and structures. They existed for many years, presumably even before 1945, in a configuration similar to what is now requested.

Given that the block appears to have been subdivided in stages over time, staff reviewed the rest of the block and the rest of the neighborhood for the purposes of comparison with the request. Although the surrounding neighborhood contains a few redeveloped properties on larger lots, the dominant development pattern in the immediate vicinity consists of historic single-family, semi-detached, and townhouse residences on small, narrow lots. The two blocks bounded by Pendleton, Oronoco, North Alfred and North Henry Streets particularly demonstrate this character (see Figure 2). Although staff has found a few lots in these two blocks with a lot size in the vicinity of 5,000 square feet and with a lot width/frontage of about 40 feet on east-west

Conclusion

Based on this information, staff believes that the proposed subdivided lots are consistent with the character of other land in the vicinity, consistent with the development in the immediate area, and of substantially the same character with respect to the noted factors so as not to detract from the value of adjacent property. For these reasons, staff finds ample justification for approving the subdivision with the requested variations and recommends approval subject to the conditions contained in Section III of this report.

III. 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 locations of all easements and reservations shall be depicted on the final subdivision plat. No permanent structure may be constructed over any existing private and/or public utility easements. (P&Z)(T&ES)
3. 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. (T&ES)

STAFF: Joanna Anderson, Acting Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner

Staff Note: Approval of this preliminary subdivision plat will expire 18 months from the date of approval (December 4, 2014) unless a final subdivision plat is recorded prior to that date.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The locations of all easements and reservations shall be depicted on the final subdivision plat. No permanent structure may be constructed over any existing private and/or public utility easements. (P&Z)(T&ES)
- R-2 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. (T&ES)
- C-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- C-2 Any future development/redevelopment on either of the subdivided lots shall provide adequate stormwater outfall per the requirements of Article XI of Alexandria Zoning Ordinance and Virginia Department of Conservation and Recreation (DCR), Erosion and Sediment Control (ESC) Regulations 4VAC50-30-40.19 Minimum Standard 19 (MS-19). (T&ES)
- C-3 Any future development/redevelopment on either of the subdivided lots shall comply with the requirements of City of Alexandria Zoning Ordinance Article XIII or the relevant laws of the Commonwealth of Virginia applicable at the time of submission of the first final plan for storm water management regulations regarding water quality and quantity control. (T&ES)

Code Enforcement:

- 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, Plan Review Services Division Chief, at ken.granata@alexandriava.gov or 703.746.4193.
- C-1 A one-hour fire-resistance-rated exterior wall assembly (exposure from both sides) for all exterior walls within 5ft from the property-line is required for building permit. Provide one of the following: 1) a performance system tested approved by a nationally recognized testing agency, i.e. UL assembly or ICC Evaluation Report; or 2) provide an assembly description based on the Virginia Construction Code "Prescriptive Fire Resistance".

Historic Alexandria/Archeology:

- F-1 This undertaking is not expected to cause an impact to the ground surface.
- F-2 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Fire

- F-1 No comments

Real Estate:

- F-1 No comments

Health Department:

- F-1 No comments received

Parks and Recreation:

- F-1 No comments received

Police Department:

- F-1 No comments received



APPLICATION

SUBDIVISION OF PROPERTY

SUB # SUB 2013-00004

PROPERTY LOCATION: 1000 Pendleton Street, Alexandria, Virginia

TAX MAP REFERENCE: 064.01-04-10 **ZONE:** CSL

APPLICANT:

Name: Classic Cottages, LLC

Address: 5417-A Backlick Road, Springfield, VA 22151

PROPERTY OWNER:

Name: Mary Raby Stafford

Address: 1000 Pendleton Street, Alexandria, VA 22314

SUBDIVISION DESCRIPTION

Approval of plat of resubdivision to resubdivide the existing property into two (2) new lots. The purpose of the subdivision is to create separate lots for the two (2) separate structures currently on one (1) parcel of land. A variation of the lot area is required for the lot designated lot 701 on the resubdivision plat.

THE UNDERSIGNED hereby applies for Subdivision in accordance with the provisions of Section 11-700 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 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.

Duncan W. Blair

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

Signature

703-836-1000 703-549-3335

Telephone # Fax #

dblair@landcarroll.com

Email address

2/26/2012

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Fee Paid and Date: _____

ACTION - PLANNING COMMISSION: _____

ALL APPLICANTS MUST COMPLETE THIS FORM.

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. 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 ten percent.

Classic Cottages, LLC is a Virginia limited liability company. The members of the limited liability company owning in excess of 10% are: David Tracy and Lawrence Financial Services, Inc. Paul Lawrence is the principal owner of Lawrence Financial Services, Inc.

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.
 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 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. | David Tracy | | More than 10% |
| 2. | Paul Lawrence | | More than 10% |
| 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. | | | |
| 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 require 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 indicated each person or entity below and "None" in the corresponding fields)**

| # | 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. | David Tracy | | PC and CC |
| 2. | Paul Lawrence | | PC and CC |
| 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.

2/26/2013

Date

Printed Name

Signature

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. | | |
| 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 1000 Pendleton Street, Alexandria, Virginia (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. Mary R. Stafford | 1000 Pendleton Street | 100% |
| 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 require 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 indicated each person or entity below and "None" in the corresponding fields)**

| 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. Mary R. Stafford | | PC and CC |
| 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.

2/26/2013

Date

Mary R. Stafford

Printed Name



Signature

Subdivision # 2013-0004

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

**SUBMITTED TO
THE DEPARTMENT OF PLANNING AND ZONING
CITY OF ALEXANDRIA, VIRGINIA**

PROJECT NAME: North Henry - Pendleton Subdivision

PROJECT ADDRESS: 1000 Pendleton Street

DESCRIPTION OF REQUEST:

Approval of Plat of Resubdivision to resubdivide the existing property into two (2) new lots. The purpose of the subdivision is to create separate lots for the two (2) separate structures currently on one (1) parcel of land. A variation of the lot area is required for the lot designated Lot 701 on the resubdivision plat.

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, for the number of days in excess of 45 days from April 15, 2013 through ~~May 23, 2013~~.

Date: 4/15/2013

June 4, 2013
PLB

Applicant

Agent

Signature: 

Printed Name: Duncan W. Blair

Subdivision Application

Classic Cottages, LLC

1000 Pendleton Street, Alexandria, Virginia.

Back ground information: 1000 and 1002 Pendleton Street - 1944 through 2013

James H. Raby and Georgia F. Raby acquired two lots of land located on the southwest corner of the intersection of North Patrick Street and Pendleton Street known as 1000 and 1002 Pendleton Street by two separate deeds recorded among the land records of the City of Alexandria (the "Land Records"). The property at 1000 Pendleton Street was acquired by deed dated May 10, 1945 and recorded in Deed Book 216 at page 497 among the Land Records and 1002 Pendleton Street was acquired by deed dated May 14, 1944 and recorded in Deed Book 210 at page 115 among the Land Records (Copies of the deeds are attached). At the time the Mr. and Mrs. acquired the lots, both lots were improved with structures (See: Sanborn maps 1902, 1907, 1912, 1941, 1958 and 1986 attached) that appear to be consistent with the core of the structures currently existing on the property. The lots, as evidenced by the Sanborn Maps and the legal descriptions in Mr. and Mrs. Raby's acquisition deeds appear to have been created as part of the original division of the square bounded by North Patrick, Pendleton, North Henry and Wythe Streets (the "Original Lots").

By Deed of Dedication dated December 15, 1949 recorded in Deed Book 291 at page 315 among the Land Records, Mr. and Mrs. Raby resubdivided the Original Lots into two new legal lots of land and dedicated to the City approximately 625 square feet of land for use of a public alley (Note: The applicant is requesting that the portion of the dedicated be vacated VAC2013-0002). It does not appear that the area dedicated was ever accepted by the City. The new lots were designated lots 500 (1000 Pendleton) and 501 (1002 Pendleton). The purpose of the resubdivision was to reduce the land area at the rear of 1002 Pendleton and add that land to 1000 Pendleton Street (the "1949 Lots"). The plat shows the then existing improvements on both lots. The buildings are consistent with the buildings shown on the Sanborn maps. A copy of the deed is attached.

By Resubdivision Deed dated August 12, 1976 recorded in Deed Book 834 at page 229 among the Land Records, Mr. Raby obtained Planning Commission approval of a plat to resubdivide the 1949 Lots. The approved subdivision plat removed the boundary lines of between the 1949 Lots and consolidated the 1949 lots into one new legal lot of land designated Lot 600 on the resubdivision plat. As the result of the consolidation the two buildings were on one legal lot of land. A copy of the deed is attached.

From the adoption of the 1952 Alexandria Zoning Ordinance through the adoption of the Alexandria Zoning Ordinance, 1981 as amended (the "Ordinance") the Raby property was zoned the C-2 Commercial zone and was in compliance with the C-2 zone regulations. With the adoption of the Ordinance, the property was downzoned to the CSL/Commercial Service Low zone and the building became Noncomplying structures as defined in the Ordinance. In order to allow the existing buildings to be on separate lots variations are being requested to continue the noncomplying status of the Buildings under the Ordinance. The buildings have historic significance to the Parker Gray historic district and the

applicant has been advised that Staff would not support Permits to Demolish and encourages their renovation and restoration (the “Historic Structures”).

The purpose of this resubdivision is to resubdivide the property into two new legal lots of land that are essentially the same size and character of the historic Original Lots and have each of the existing buildings on separate lots as sited on the Sanborn maps so that the commercial building and the residential building are not both located on one lot of land.

Justification for the granting of Variations.

Pursuant to §11-1700 et seq. of the Ordinance, the Planning Commission as part of the approval of a plat of subdivision may grant variations from the strict application of the zoning regulations governing the property and/or buildings on the property to be subdivided. The variation procedure is included in the Ordinance to prevent the property owner from suffering a substantial injustice as the result of the strict application of the zoning regulations. In this application, the Historic Buildings are classified as a Noncomplying Structure as defined in §12-102 of the Ordinance, in order for the plat of subdivision to be approved, and for the Historic Buildings to be permitted to be maintained on the property, the variation discussed in detail below need to be granted as part of the Planning Commission’s consideration of the application for approval of a plat of resubdivision.

The property to be resubdivided and Historic Buildings qualify for a variation under §11-1700 et seq., based on to the fact: (i) that both lots were in subdivisions of record as of January 1, 1953 and (ii) that the proposed lots designated lots 700 and 701 on the plat of resubdivision are substantially of the same character as to suitability for residential use as structures, lot areas, orientation, street frontage, alignment to streets as other land within the original subdivision as evidenced by an analysis of the City Real Estate Tax maps and the Sanborn maps.

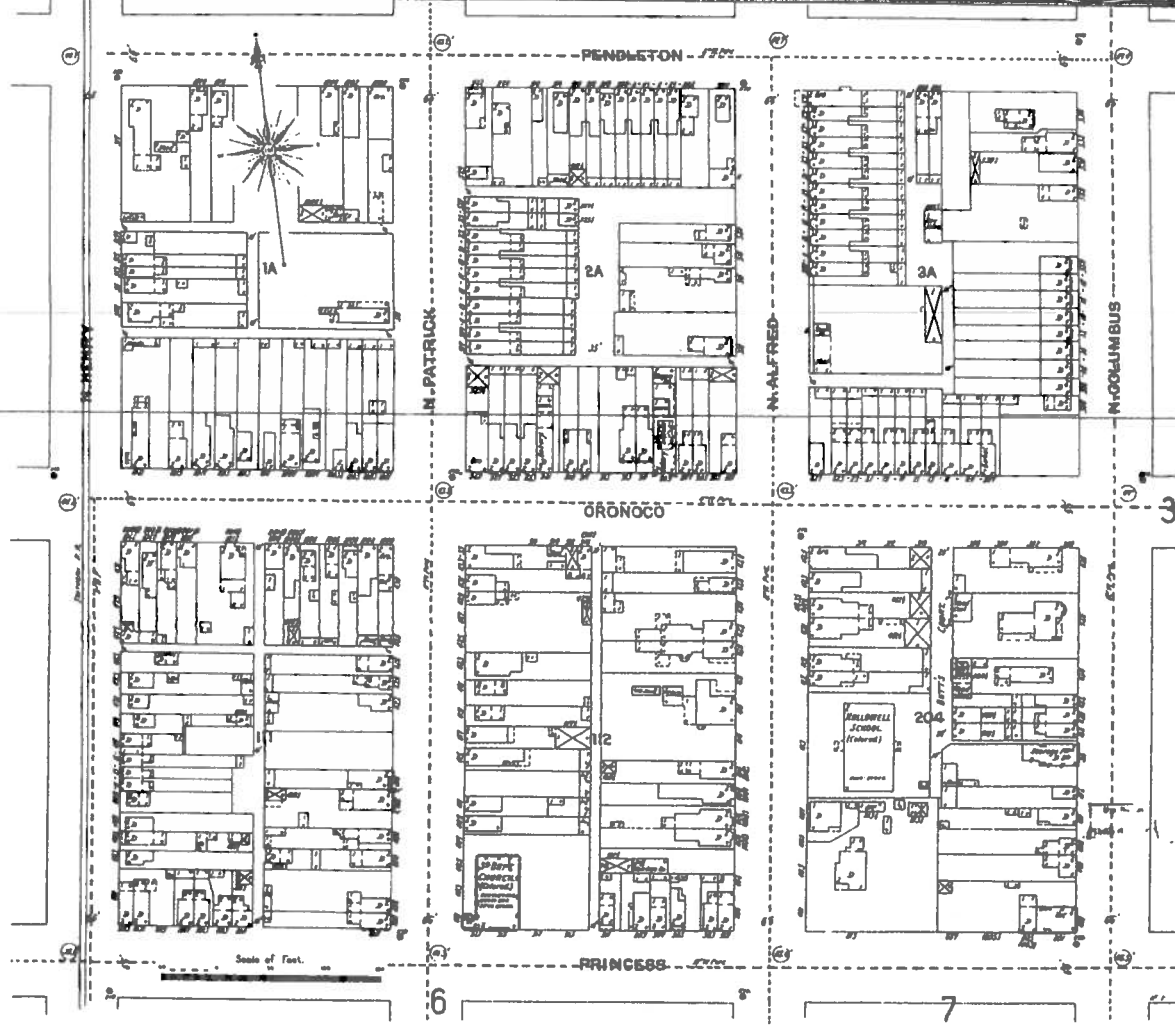
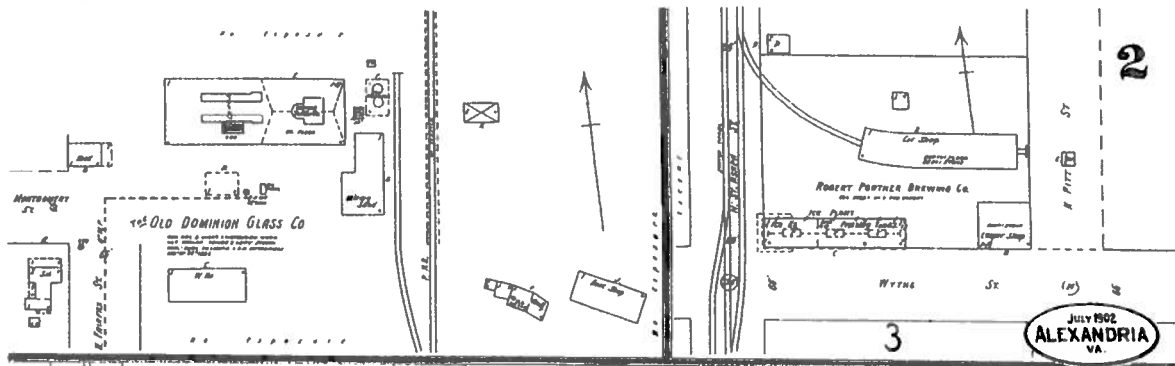
§11-1712 (3) of the Ordinance provides: “No resubdivision shall be approved which results in the creation or continuation of a lot, building or structure which does not comply with the provisions of this ordinance, unless the commission expressly authorizes a variation pursuant to section 11-1713 of this ordinance.” The Department of Planning and Zoning has determined that the approval of the Applicant’s requested plat of subdivision would result in the continuation of the noncomplying attributes of a Historic Buildings and, therefore, variations are required. It is only the presence of the Historic Buildings that renders the approval the plat of subdivision contrary to the criteria of §11-1712 (3) of the Ordinance.

The Applicant is requesting that variations be granted to permit the continuation of the existing noncomplying structure status of the Historic Buildings. The Historic Buildings do not comply with the following CSL/Commercial Service Low zone regulations: (i) Lot 701 the required lot area, (ii) Lot 701 the required lot frontage, (iii) Lot 701 the required front yard setback, (iv) Lot 701 required side yard and (v) Lot 700 and 701 the size of the Historic Buildings exceed the permitted FAR.

The strict adherence of the requirements of §11-1712 (3) of the Ordinance in this instance would result in a substantial injustice to the property owner by precluding the subdivision of the property into two new lots that are consistent with the historic character of the Pre-1949 lots and that appropriately creates a separate lot for the commercial building and a separate lot for the residential building. The discontinuance of the noncomplying status of the Historic Buildings would not advance a significant

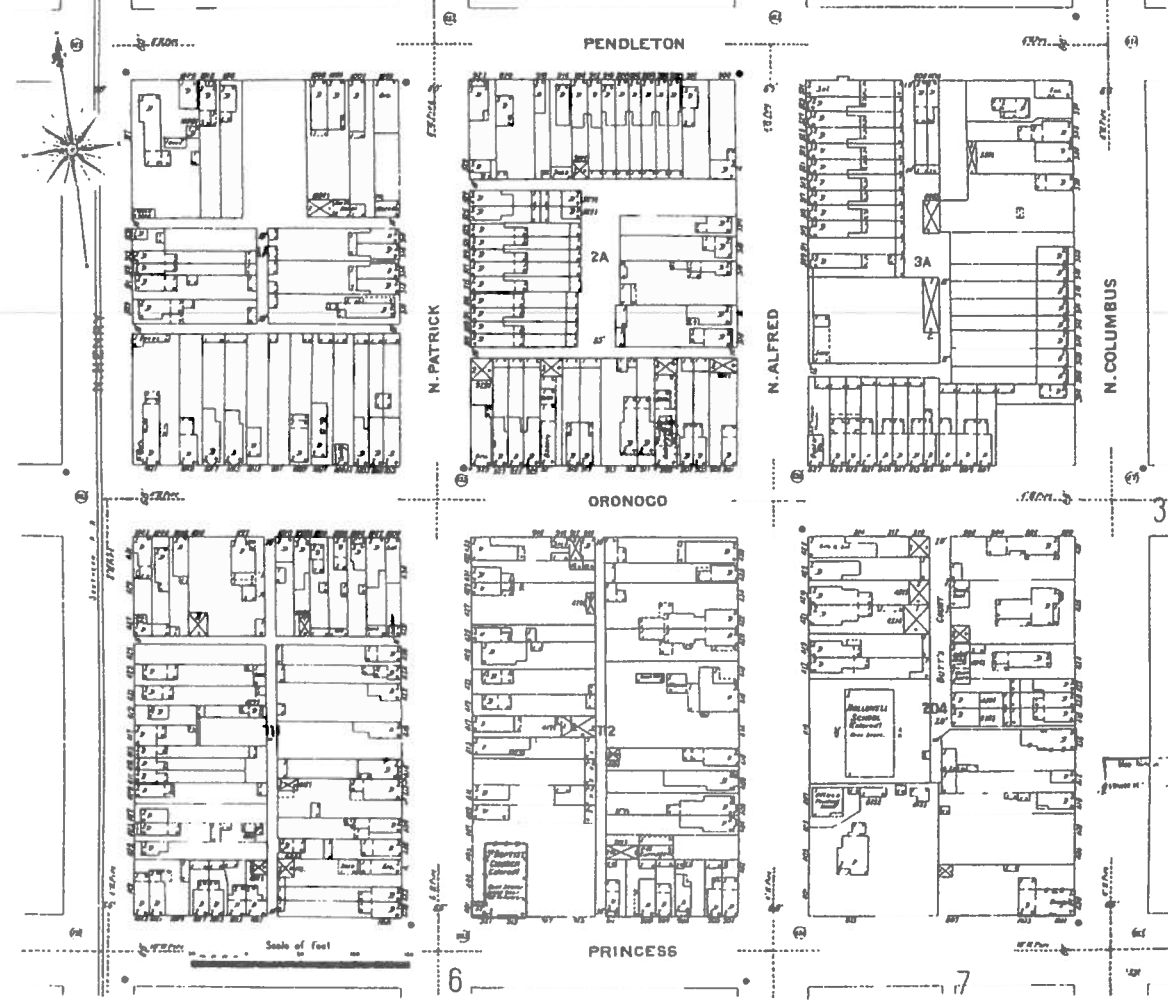
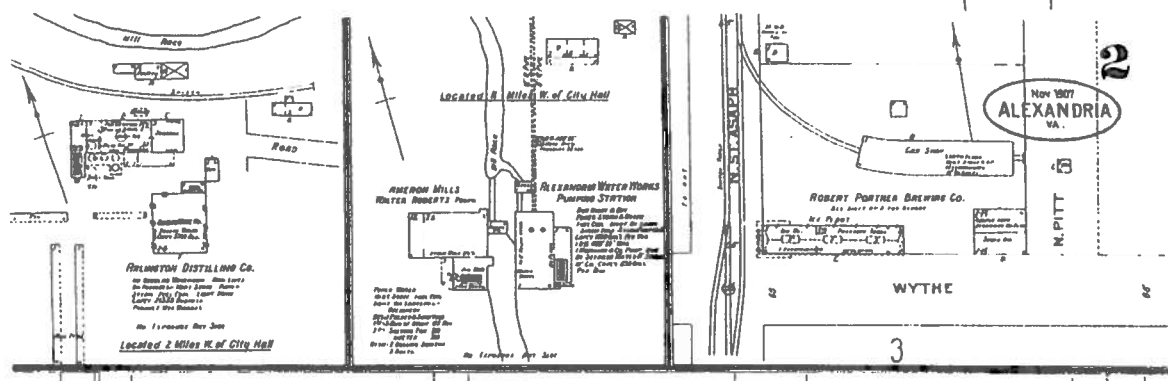
public benefit. The unreasonable burden on the development, use and enjoyment of the property by the owner outweighs the material land use or land development purposes served by eliminating the noncomplying structure status of the Historic Buildings. For the reasons stated, the variations should be granted to permit the Historic Buildings to remain on the property as lawful noncomplying structures.

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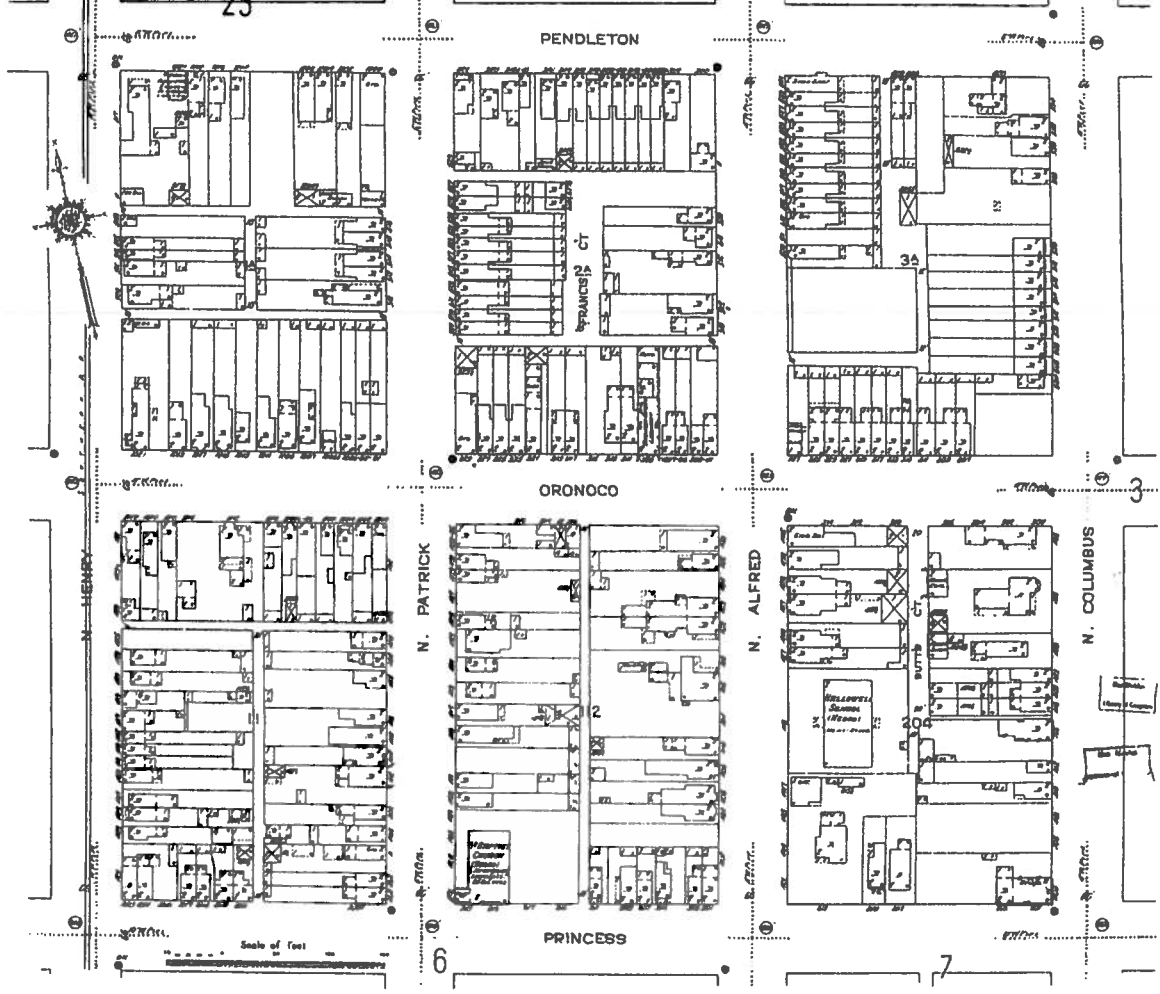
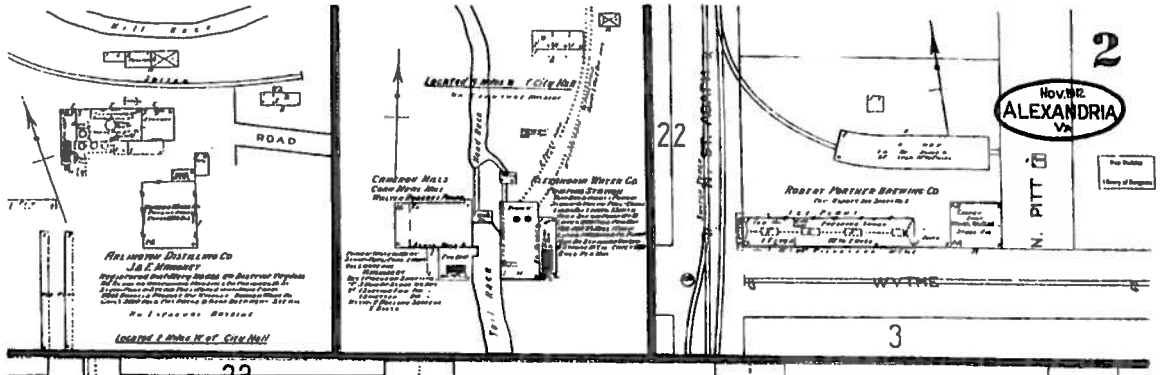
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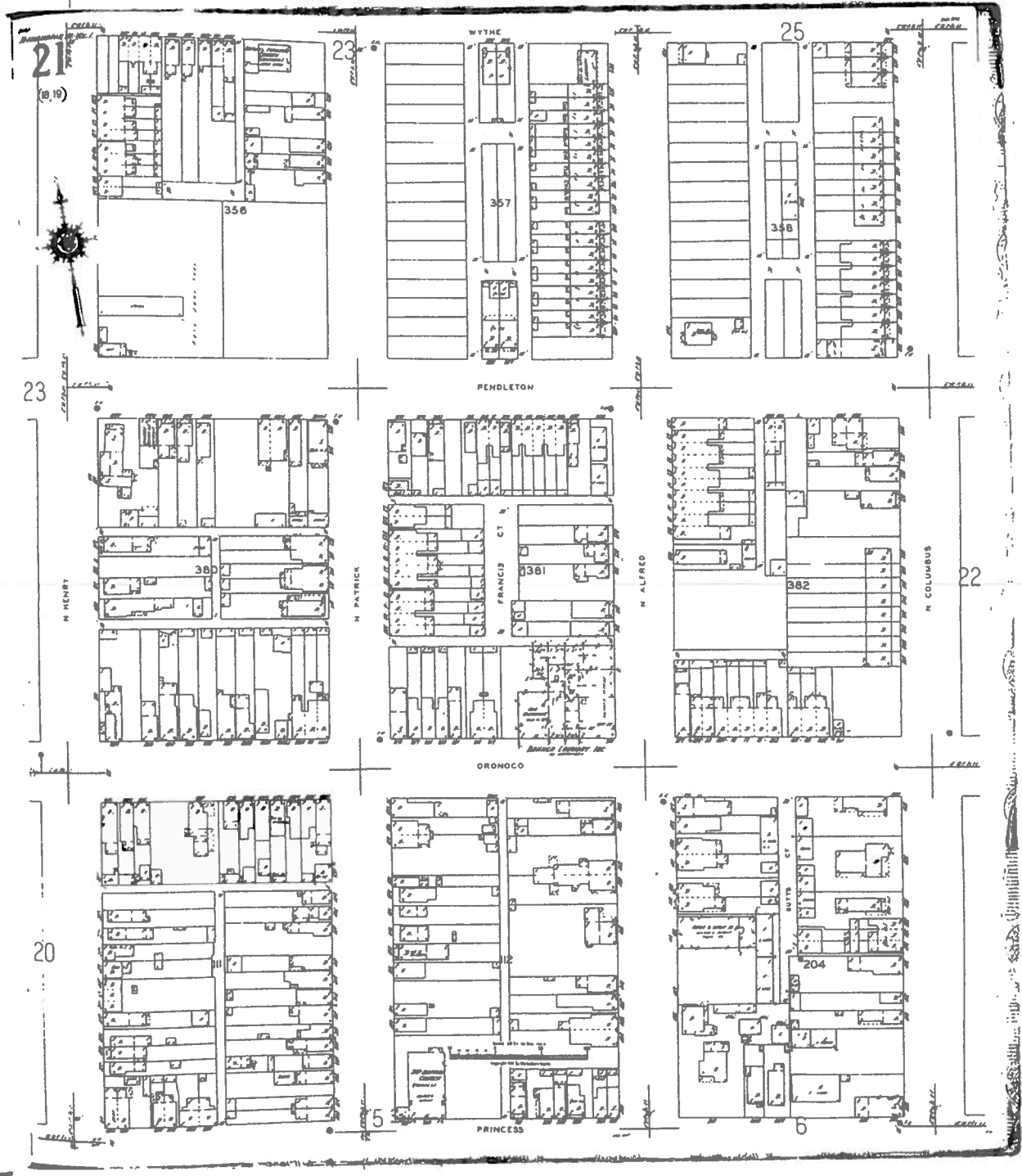
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1912



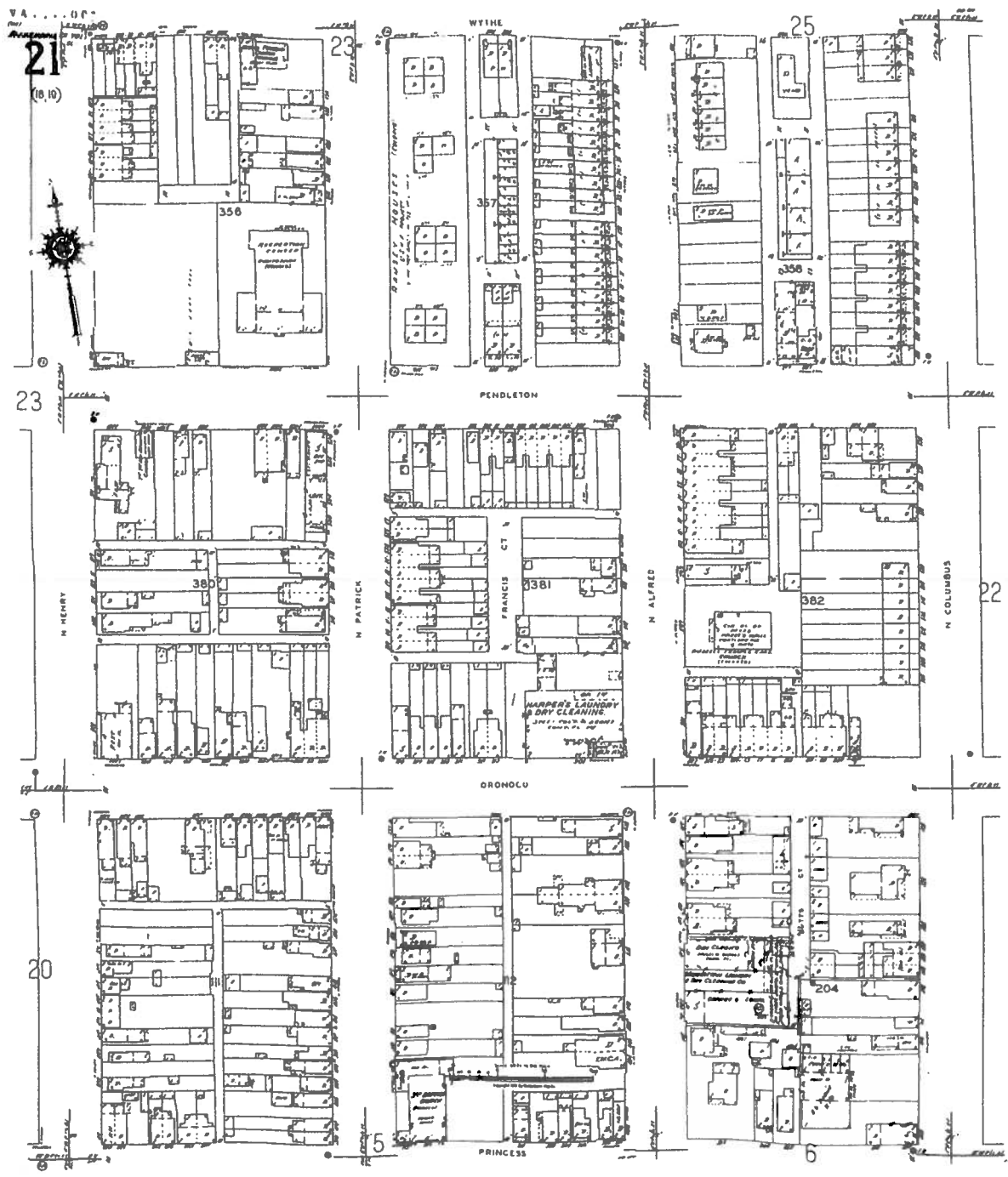
1912

1941



1941

1958



1958

