

ADDRESS: 322 & 324 SOUTH LEE STREET
ZONE: RM/TOWNHOUSE ZONE
APPLICANT: AVONLEA, LLC
ISSUE: Variance request to access parking from the street rather than an alley or interior court.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED VARIANCE
8-200(C)(5)(a)	Access to Parking	Alley or Interior Court	Street Access	Street Access

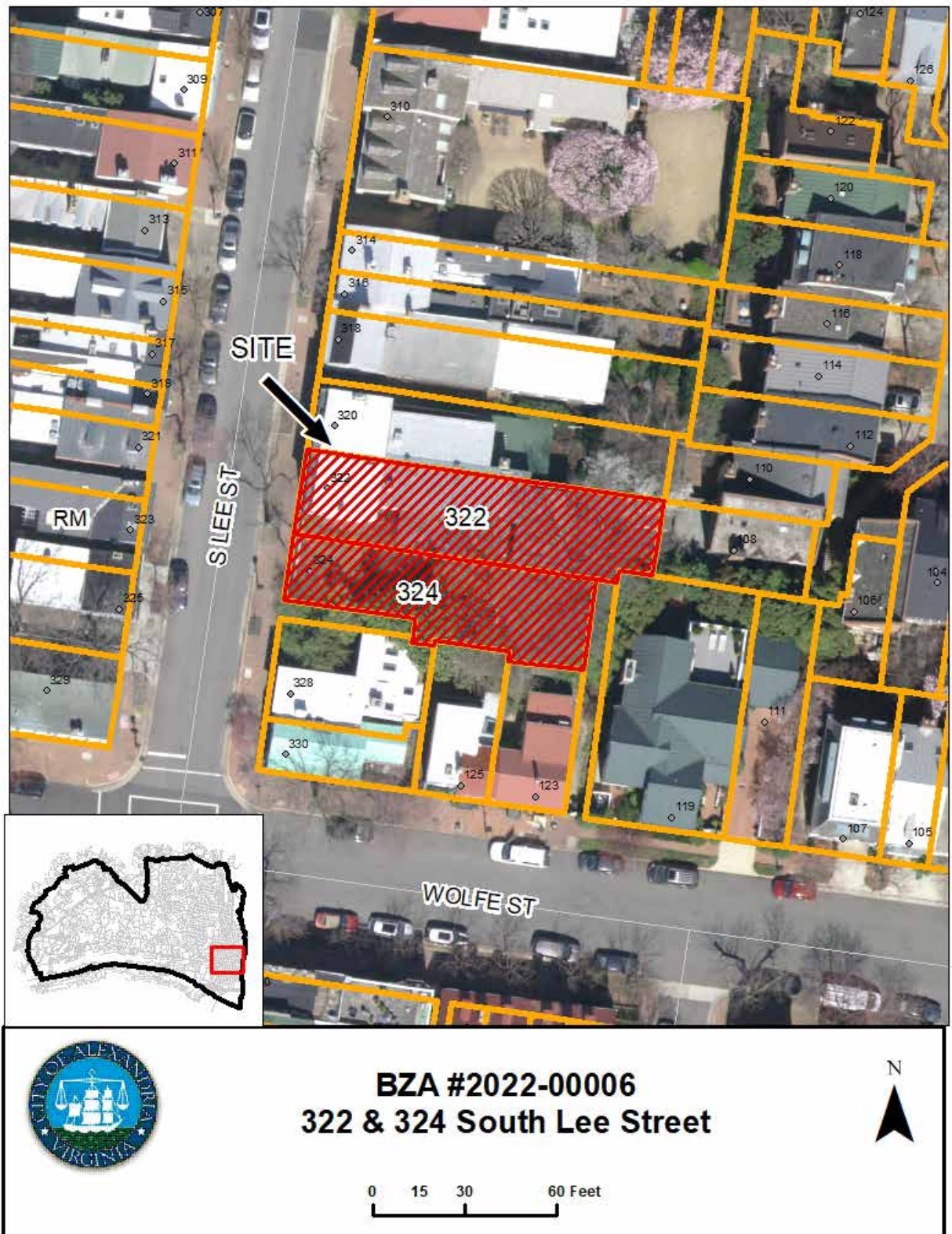
BOARD OF ZONING APPEALS ACTION, APRIL 11, 2022: The applicant requested a deferral to the June 13, 2022 hearing. On a motion by Mr. Foley, seconded by Mr. Yoo, the Board of Zoning Appeals voted to defer BZA#2022-00006. The motion carried on a vote of 4-0.

Staff **recommends denial** of the request because it does not meet the variance definition or standards.

If the Board grants the requested variance, the applicant must comply with all requirements of this report’s department comments and the condition listed below. The variance must be recorded with the property’s deed in the City’s Land Records Office prior to the release of the Curb Cut approval.

Condition:

1. The proposed driveway must be constructed of permeable surface that is approved by the Board of Architectural Review.



I. Issue

The applicants propose to construct two non-required off-street parking spaces at 322 and 324 South Lee Street. The proposed parking would be in the front yard and accessed from South Lee Street.

II. Background

The subject property is comprised of two lots of record and is predominately rectangular in shape. The subject property has 49.42 feet of frontage along South Lee Street, 100.02 feet of depth along the south side property line, 117.00 feet of depth along the north side property line, and 57.8 feet at the rear of the property. The rear and south property lines are not straight, as they have several portions that jut in and out of the property. The property contains 5,790 square feet of lot area and complies with the RM zone's minimum lot size, width, and frontage.

The property is currently developed with a two-story semi-detached dwelling unit located 1.40 feet from the front property line facing South Lee Street, on the north side property line attached to 320 South Lee Street, 25.87 feet from the south side property line and 29.87 feet from the rear property line. According to Historic Preservation records, the three-bay, two-story Italianate frame dwelling was likely constructed between 1885 and 1891. The subject property is located within the Old and Historic Alexandria District (OHAD).



Figure 1- Subject Property

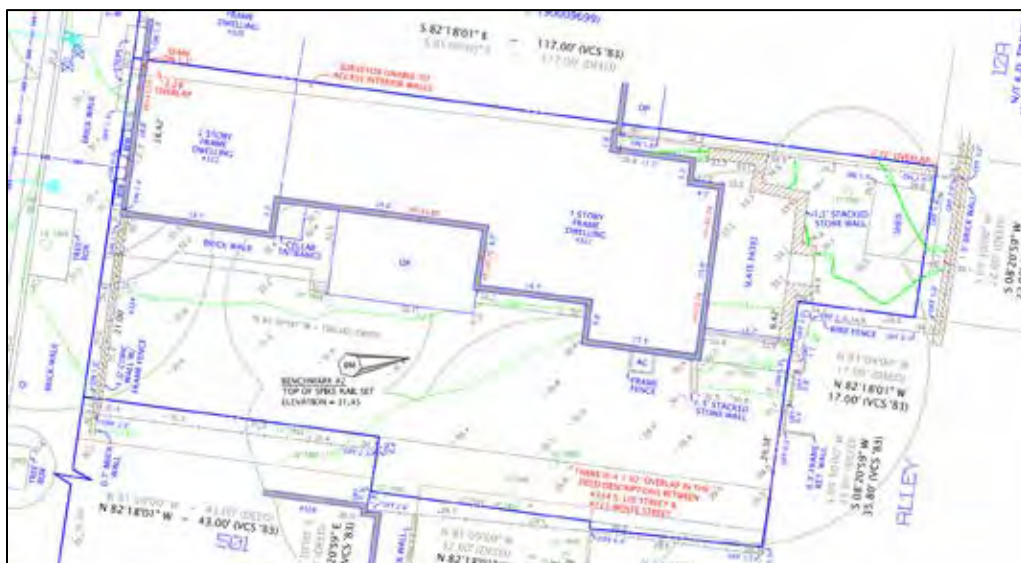


Figure 2- Subject Property Survey

In February 2022, the Board of Architectural Review approved BAR2021-00655 and BAR2021-00654 for some exterior alterations and minor demolition to the dwelling located at 322 South Lee Street.

In 1994, the Zoning Ordinance was amended to prohibit access to parking from a public street by amending the Zoning Ordinance to add section 8-200(C)(5)(a) which requires off-street parking in the Old and Historic Alexandria District to be accessed from an interior court.

Table 1. Zoning Table

RM Zone*	Requirement	Existing	Proposed
Lot Area	1,452 sq. ft.	5,790 sq. ft.	5,790 sq. ft.
Lot Width	25.00 ft.	49.42 ft.	49.42 ft.
Lot Frontage	25.00 ft.	49.42 ft.	49.42 ft.
Front Yard	0.00 ft.	1.40 ft.	1.40 ft.
Side Yard (North)	0.00 ft.	0.00 ft.	0.00 ft.
Side Yard (South)	5.00 ft.	25.87 ft.	25.87 ft.
Rear Yard	16.00 ft. minimum	29.87 ft.	29.87 ft.
Open Space	2,026.5 sq. ft. (35% of lot area)	3,298 sq. ft.	2,628 sq. ft.

*All measurements are based on the total land area and property lines of 322 and 324 S Lee Street

III. Description

The applicants propose to construct two non-required off-street parking spaces accessed from South Lee Street (a public street). Parking is not required for subject property because the house was constructed prior to off-street parking requirements. The proposed parking area located at the front of the property to the south of the building would measure roughly 19.00 feet by 21.50 feet for a total of 408.50 square feet. The curb cut and driveway would be 12.00 feet in width with a 12-foot-wide gate.

IV. Master Plan/Zoning

The subject property is currently zoned RM, Townhouse and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and is identified in Old Town Small Area Plan.

V. Applicant's Justification for Variance

The applicants state that strict application of section 8-200(C)(5)(a) prevents the reasonable use of the property due to the fact that they cannot access parking from an alley or interior court as there is no alley or interior court adjacent to the property. The applicants state that the addition of the on-site parking for two cars would not decrease parking along South Lee Street as there is no parking allowed on the east side of the street. The applicants also state that they can use fencing, screening, and landscaping to maintain the streetscape and pedestrian experience along this block of South Lee Street.

VI. Requested Variance

8-200(C)(5)(a) Access to Parking

The applicants request a variance to provide access to non-required off-street parking from South Lee Street. Per the zoning ordinance, access to all parking for properties located within the boundaries of OHAD must be from an alley or interior court.

VII. Analysis of Variance Definition

Per zoning ordinance section 11-1103, the Board of Zoning Appeals shall not grant a variance unless it finds that the request meets the definition of a variance per zoning ordinance section 2-201.1 as follows:

- a. The request is a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure.

Allowing non-required off-street parking from the public street is not a reasonable deviation because the Zoning Ordinance requires that all access to parking within OHAD be from an alley or interior court. Allowing this parking would undermine this particular provision especially since there is no requirement to provide off-street parking at this property.

- b. Strict application of the zoning ordinance would unreasonably restrict the utilization of the property.

Strict application of the zoning ordinance would not unreasonably restrict the utilization of the property because the property has been used as semi-detached dwelling without off-street parking since the late 1800s. Further, there is no requirement to provide off-street parking for this property.

- c. The need for a variance is not shared generally by other properties.

The neighborhood is exclusively residential use, most without off-street parking. The properties along the 300 block of South Lee Street were predominately constructed in the 1800's when there was no Zoning Ordinance. While many properties in the OHAD have access to parking from an alley or interior court, many do not. The need for this variance would be shared by all properties in OHAD that cannot provide access to parking from an alley or interior court.



Figure 3 - Development Pattern of Neighborhood

- d. The variance is not contrary to the purpose of the ordinance.

The requested variance is contrary to the purpose of the ordinance. Section 8-200(C)(5)(a) of the Zoning Ordinance is intended to protect the historic character of OHAD by minimizing curb cuts and vehicular access to parking from the front of properties by requiring access via an alley or interior court.

The Design Guidelines for the Old and Historic Alexandria District that help guide the decisions of the BAR also provide a further exploration of why parking accessed from a public street is not allowed under the Zoning Ordinance. The chapter on Parking states, “In many sections of the historic districts, individual driveways in the front of residential properties are not desirable because the automobiles parked in the front yards create a visual intrusion and disrupt the scale, rhythm and unity of the architecture.” It is the opinion of BAR staff that the creation of the proposed access to parking and the parking of an

automobile in historic open space will both disrupt the streetscape of South Lee Street and adversely affect the visual open space of the lot.

As also stated in the Design Guidelines chapter on Parking, “Parking lots should be screened and landscaped so that they do not create a visual disruption of the streetscape while being consistent with safety requirements.” “The creation of a driveway or parking area usually involves the erection of a gate and wall or fence to delineate the parking area or driveway”. The Design Guidelines also state that “The Boards have become increasingly concerned about inappropriate and excessive paving of open space within the historic districts and inappropriate at-grade materials which detract from the historic character of the districts.”

e. The variance does not include a change in use, which change shall be accomplished by a rezoning.

The variance request does not include a change in use. The property will continue to be used as residential semi-detached dwelling.

VIII. Analysis of Variance Standards

Per zoning ordinance section 11-1103, the Board of Zoning Appeals shall not grant a variance unless it finds that the request meets the variance standards as follows:

a. The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance.

The variance would not alleviate a hardship due to a physical condition relating to the property. While the lot is not adjacent to an alley or interior court, there is no off-street parking requirement for this property. Additionally, strict application of the zoning ordinance would not unreasonably restrict the utilization of the property because the property has been used as semi-detached dwelling without off-street parking since the late 1800s and there is no requirement to provide off-street parking for this property.



Figure 4 - Existing Conditions



Figure 5 - Proposed Driveway

b. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicants for the variance.

The applicants acquired the property in good faith, however, their desire to have off-street parking creates the need for the requested variance.

c. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

The proposed curb cut would alter the character along the south portion of the 600 block of South Lee Street and the parking area would be visible from the street. The cars parked in the proposed parking area would also be visible from both the dwelling and the side yard located at 328 South Lee Street.

The City Arborist recommends the curb cut should not be considered as it will negatively impact the street tree located on the sidewalk within the public right-of-way (see Figures 2 and 4). The proposed curb cut, which will be roughly 1.00-foot from the tree box and 5.00 feet from the tree trunk, will cause root loss sufficient to not only kill the tree, but potentially destabilize it through the loss of anchorage.

d. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

This property is one of the larger properties on this block. Unlike smaller properties, it has the capacity to accommodate parking and still meet the required open space. However, the requirement to provide access to parking from an alley or interior court applies to all properties located within the OHAD. Any property without access from an alley or interior court would need to request a variance to provide access to parking from the street. Additionally, a change to the regulation would undermine its purpose which is still supported by staff.

e. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

The variance request will not change the use or zoning of the residential property.

f. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance or the process for modification of a zoning ordinance at the time of the filing of the variance application.

Relief from the requirement to provide access to parking from alley or interior court for properties located within the OHAD can only be achieved by requesting a variance from the Board of Zoning Appeals.

IX. Staff Conclusion

As outlined above, staff **recommends denial** of the requested variance to provide access to non-required parking from South Lee Street.

Staff:

Maggie Cooper, Urban Planner, margaret.cooper@alexandriava.gov

Mary Christesen, Zoning Manager, mary.christesen@alexandriava.gov

Tony LaColla, AICP, Land Use Division Chief, anthony.lacolla@alexandriava.gov

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the variance is approved the following additional comments apply.

Historic Preservation:

- F-1 The subject property is located in the locally regulated Old and Historic Alexandria District (OHAD). Any demolition/capsulation, addition, or alterations to the subject property requires a Permit to Demolish/Capsulate or Certificate of Appropriateness from the Board of Architectural Review.
- F-2 According to Ethelyn Cox in her book Historic Alexandria, Virginia Street by Street, A Survey of Early Buildings, the existing structure at 322 South Lee Street was built about **1853** by Frederick Miller. The three-bay, two-story Italianate frame duplex consists of a main block and a two-story ell with a two-story modern (1999) addition at the rear. Staff has never doubted Ms. Cox's work but has found inconsistencies between her 1853 date and Sanborn Fire Insurance Maps. The earliest Sanborn Map for Alexandria, which dates to 1885, does not include street numbers for this block but does not appear to show a building in this location. It is possible there is a small brick building here, but that would not be the same as the building that is there now. The 1891 Sanborn Map shows the two-story frame building with a non-combustible roof at this location; it is a bakery and confectioner and a twin to the adjacent dwelling at 320 South Lee. Therefore, there is a chance that the building dates to between **1885 and 1891**. Whatever the exact construction date, this is an early building and will be evaluated accordingly. The 1891 map also depicts a side porch on the south elevation where the ell meets the main block of the house.
- F-3 In addition to being contrary to the Zoning Ordinance, Design Guidelines for the Old and Historic Alexandria District chapter on Parking, "In many sections of the historic districts, individual driveways in the front of residential properties are not desirable because the automobiles parked in the front yards create a visual intrusion and disrupt the scale, rhythm and unity of the architecture." It is the opinion of BAR staff that the creation of the proposed access to parking and the parking of an automobile in historic open space will both disrupt the streetscape of South Lee Street and adversely affect the visual open space of the lot. As also stated in the Design Guidelines chapter on Parking, "Parking lots should be screened and landscaped so that they do not create a visual disruption of the streetscape while being consistent with safety requirements." "The creation of a driveway or parking area usually involves the erection of a gate and wall or fence to delineate the parking area or driveway". The Design Guidelines also state that "The Boards have become increasingly concerned

about inappropriate and excessive paving of open space within the historic districts and inappropriate at-grade materials which detract from the historic character of the districts.”

Code Administration:

No comments.

Recreation (City Arborist):

F-1 Proposed curb cut will kill publicly owned street tree. We do not permit its removal.

Historic Alexandria (Archaeology):

- F-1 According to *Historic Alexandria, Virginia, Street by Street*, by Ethelyn Cox, the house currently on this lot was probably constructed in the early 1850s by Frederick Miller. Miller’s heirs held title to the house until the late 1880s. There is a possibility for the discovery of archaeological resources that could provide insight into 19th-century domestic activities. To ensure that information about the past is not lost because of this project, the following requirements are recommended.
- R-1 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.
- R-2 The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-3 The statements in archaeology conditions above marked with an asterisk (“*”) 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 Sheet piling and Shoring) so that on-site contractors are aware of the requirements.

Transportation and Environmental Services

CONDITIONS

- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition if a separate demolition permit is required. (T&ES)
- R-2 The applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

- R-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 on the plan. (T&ES)

FINDINGS:

- F-1 The applicant should provide a determination of disturbed area per City Guidelines to T&ES prior to submitting for permits. If the land disturbance meets or exceeds 2500 square feet, a released grading plan will be required prior to submitting for permits. (T&ES)

CODE REQUIREMENTS

- 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 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-3 Roof, surface, and sub-surface drains are connected to the public storm sewer system, if available, by a continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate the 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-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)



APPLICATION BOARD OF ZONING APPEALS

VARIANCE

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

Section 8-200(C)(5)(a) of the Alexandria Zoning Ordinance, 1992, as amended (the "Ordinance") , and by reference Section 3-1107 of the Ordinance.

PART A

1. **Applicant:** ☒ **Owner** ☐ **Contract Purchaser** ☐ **Agent**

Name Avonlea LLC, a Virginia limited liability company

Address 322 South Lee Street, Alexandria, Virginia 22314

Daytime Phone 703 447 9848

Email Address phil@avonlea.com

2. **Property Location** 322 & 324 South Lee Street, Alexandria, Virginia 22314

3. **Assessment Map #** 75.03 **Block** 05 **Lot** 50 & 51 **Zone** RM

4. **Legal Property Owner Name** Avonlea LLC, a Virginia limited liability company

Address 322 South Lee Street, Alexandria, Virginia 22314

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Phil Herget & Lisa Herget	322 S. Lee Street, Alexandria, VA. 22314	100%
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 322 South Lee Street Alexandria, Virginia 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Avonlea LLC, a Virginia limited liability company	322 S. Lee Street, Alexandria, VA. 22314	100%
2. SEE ATTACHED FOR ENTITIES OWNING IN EXCESS OF 3% OF AVONLEA		LLC
3.		


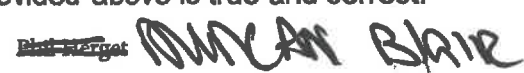

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Phil & Lisa Herget	NONE	
2. Phil & Lisa Herget	NONE	
3. 3 % Entities (See Attached)	NONE	

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

Date Printed Name Signature

OWNERSHIP AND DISCLOSURE STATEMENT

Additional Information Entities owning and Interest in excess of 3% of Avonlea LLC

Avonlea LLC Members.

RPH 2012 Family Trust u/a dated December 11, 2012 – 49%

LH 2012 Descendants Trust u/a dated December 11, 2012 – 49%

The Revocable Trust of R. Philip Herget III u/a/d October 4, 1999 – 1%

The Revocable Trust of Anne Shehan Herget u/a/d October 4, 1999 – 1%

PART B

APPLICANT MUST EXPLAIN THE FOLLOWING:

1. Please answer A or B:

Explain how enforcement of the zoning ordinance would prevent reasonable use of the property.

Section 8-200(C)(5)(a) of the Ordinance was adopted on June 24, 1992, as part of the recodification of the prior Alexandria zone regulations. Section 8-200(C)(5)(a) states in part: "Within the Old and Historic District, access to all parking shall be provided from an alley or interior court." The legislative intent in adopting of Section 8-200(C)(5)(a) was to prevent new townhouse construction from utilizing a then common design of constructing parking pads in front yards of townhouses that were set back from the front property line by the depth of the parking area as shown on Exhibit A attached to this application. As stated in the Staff Report for BZA Case #2002-0005, a case in which the BZA granted a variance for Section 8-200(C)(5)(a), the Staff explained: "The purpose of the prohibition was to preserve the historic streetscape and enhance pedestrian experience." Or, said otherwise, the intent was to prohibit the creation of parking areas such as the ones shown on Exhibit A. Section 8-200(C)(5)(a) of the Ordinance is actually an administrative process that allows the Director of Planning and Zoning to waive the required parking if: "it is clearly not feasible to provide such access." An added benefit of the prohibition as stated in the Staff Report for BZA Case #2002-0005 and other is that precious on-street parking spaces available to the community would not be eliminated.

In the unique instance of 324 South Lee, the strict application of the prohibition of Section 8-200(C)(5)(a) unreasonably restricts the use of the property by the property owners. 322 & 324 South Lee Street are separate legal lots of land located on the east side of the 300 block of South Lee Street. A historic residential dwelling is constructed on 322 South Lee, and the property at 324 is almost entirely vacant and open land. Very important in this instance, there is no on-street parking on the east side of the 300 block of South Lee Street. The Property Owners are requesting a variance from the strict application of Section 8-

200(C)(5)(a) to construct a landscaped parking area located behind a gated fence on the 324 South Lee Street lot. The design of the Fence Gate and parking area are shown on Exhibit B. The improvements will be subject to the approval of the Old and Historic District Board of Architectural Review. The characteristics of these properties make it possible to provide on-site parking for two cars without removing on-street parking while also maintaining the streetscape and pedestrian experience through the proposed fence and gate screening and landscaping of the proposed parking area. As such, this will fulfill the legislative intent of the City Council in adopting Section 8-200(C)(5)(a). Strictly enforcing the prohibition of Section 8-200(C)(5)(a) unreasonably restricts the use of the property and would be disproportionate to the public benefit advanced and articulated in the legislative history of Section 8-200(C)(5)(a).

The Property Owners have applied to the Department of Transportation and Environmental Services for a curb cut pursuant to the provisions of Section 6-582 of the Alexandria City Code.

B. Explain how the variance, if granted, would alleviate a hardship, as defined below.

The granting of the variance would alleviate an excessive restriction on the reasonable use of the Owners' property which results in a demonstrable hardship based on the existing characteristic of the properties and the fact that the 322 and 324 South Lee properties cannot be accessed by an alley or interior court. Granting the variance would alleviate the hardship.

2. Is this unreasonable restriction unique to the property?

A. Explain if the restriction of hardship is shared by other properties in the neighborhood.

The prohibition of Section 8-200(C)(5)(a) of the Ordinance requiring that access to parking spaces must be by an alley or interior court and authorizing the Director of Planning and Zoning to waive the required parking if it is clearly not feasible to do so is applicable to properties located in the Old and Historic District and the Parker Gray Historic District. As such, the prohibition is shared by other properties in the neighborhood. However, the prohibition only impacts properties in the neighborhood that are on blocks where there are no historic alley and courts providing access to required or non-required parking spaces. The legislative intent

of Section 8-200(C)(5)(a) as set forth in Section 1 of this Application was an aesthetic consideration that given the unique characteristics of the properties at 322 and 324 South Lee Street is possible to achieve without precluding the Property Owners from building a parking area on their property. In this instance and unlike any other property on the block (and very few other properties in the broader neighborhood), there is an unimproved lot that can be improved with a two-car parking area. The Property Owners propose to fence, gate and landscape the parking area such that there will be no aesthetic issues of having the streetscape frontage a "sea of Chrome". The pedestrian experience will remain very much in line with the current state. It is an unreasonable restriction on the Property Owners' use and enjoyment not to be able to build and establish a two-car parking area given that the intent and purpose of the prohibition can be addressed and satisfied through a good and thoughtful design solution that is subject to the approval of the Old and Historic District Board of Architectural Review. And, the high demand and dwindling supply of on-street parking makes maintaining the status quo of relying on the limited on-street parking untenable.

B. Does the situation of condition of the property (on which this application is based) generally apply to other properties in the same Zone?

No. The prohibition of Section 8-200(C)(5)(a) is generally applicable to other properties in the RM zone. However, it impacts only those properties that do not have a boundary on an alley or interior court of adequate width to provide vehicular access to the lot, or lots, such as the subject lots. Due to unique circumstances of 322 and 324 South Lee, the Property Owners can satisfy the aesthetic intent of Section 8-200(C)(5)(a) through a good and thoughtful design solution that is subject to the approval of the Old and Historic District Board of Architectural Review. And as stated above, in this instance and unlike any other property on the block (and very few other properties in the broader neighborhood), there is an unimproved lot that can be improved with a two-car parking area.

3. Was the unreasonable restriction or hardship caused by the applicant?

A. Did the condition exist when the property was purchased?

Yes. The prohibition of Section 8-200(C)(5)(a) creating the unreasonable restriction as applied to the property was imposed on the historic lot on June 24, 1992, the adoption date of the Ordinance.

B. Did the application purchase the property without knowing this restriction of hardship?

The Property Owners were aware of the general prohibition Section 8-200(C)(5)(a), but given the unique character of the property believed that aesthetic intent of Section 8-200(C)(5)(a) could be satisfied through a good and thoughtful design solution that is subject to the approval of the Old and Historic District Board of Architectural Review.

C. How and when did the condition, which created the unreasonable restriction or hardship, first occur?

The prohibition of Section 8-200(C)(5)(a) creating the unreasonable restriction as applied to the property was imposed on the historic lot on June 24, 1992, the adoption date of the Ordinance. As originally subdivided in the 1800s the common grantor of the City Square did not establish a system of alleys and courts of sufficient width to provide vehicular access to the properties. Prior to 1992, the prohibition of Section 8-200(C)(5)(a) did not exist as a zone regulation and parking could be accessed for a public right-of-way. In fact, several properties on the east side of the 300 block of South Lee Street have parking area and garages accessed on the street frontage.

D. Did the applicant create the unreasonable restriction or hardship and, if so, how was it created?

No. The Property Owners did not create the hardship. The prohibition of Section 8-200(C)(5)(a) creating the unreasonable restriction as applied to the property was imposed on the historic lot on June 24, 1992, the adoption date of the Ordinance.

4. Will the variance, if granted be detrimental to the adjacent properties or the neighborhood in general?

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

If approved, the requested variance from the strict application of Section 8-200(C)(5)(a) will not be detrimental to adequate supply of air and light nor will it be detrimental to other health safety and welfare considerations within the scope of the RM zone regulations. The aesthetic issues that Section 8-200(C)(5)(a) was adopted to prohibit can and will be satisfied through a good and thoughtful design solution that is subject to the approval of the Old and Historic District Board of Architectural Review.

B. Has the applicant shown the proposed plans to the most affected property owners? Have these property owners written statements of support or opposition of the proposed variance? If so, please attach the statements or submit at the time of the hearing.

The Property Owners have shared the proposed plans with the adjacent property owners at 320 and 328 South Lee Street as part of the City's TES Curb Cut application process. In addition the plans have been shared with the Old Town Civic Association and other property owners within the immediate vicinity of the properties.

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

No.

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.

Section 8-200(C)(5)(a) is a prescriptive rule. Due to the fact that there is no alley or interior court of sufficient width to allow vehicular access to the properties, there are no alternative plans or solutions that allows the Property Owners to use their property for non-required parking. The high demand and dwindling supply of on-street parking makes maintaining the status quo of relying on the limited on-street parking untenable.

2. Please provide any other information you believe demonstrates that the requested variance meets the required standards.

5. **Describe request briefly:** The Property Owners of 322 & 324 South Lee Street, Alexandria, Virginia (the "Property") are requesting a variance from the strict application of the provisions of Section 8-200(C)(5)(a) of the Ordinance to permit access to a non-required parking area to be provided from a curb cut on the the east side of the South Lee Street public right-of-way adjacent to 324 South Lee Street. There is no alley or interior court on this City block that can provide access to a two car non-required off-street parking area for the use and enjoyment of the Property Owners.

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, Virginia?

☒ Yes — Provide proof of current City business license.

☐ No — Said agent shall be required to obtain a business prior to filing application.

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 which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

☒ I, as the applicant or authorized agent, note that there is a fee associated with the submittal of this application. Planning & Zoning Department staff will be in contact with the applicant regarding payment methods. Please recognize that applications will not be processed until all fees are paid.

☒ Yes ☐ No I affirm that I, the applicant or authorized agent, am responsible for the processing of this application and agree to adhere to all the requirements and information herein.

Printed Name: Duncan W. Blair, Attorney & Agent

Date: February 2022

Signature:



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 \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

*****ATTENTION APPLICANTS*****

At the time of application for a Special Use Permit, Rezoning, Vacation, Encroachment, Variance, Special Exception or Subdivision, you must provide a draft of the description of your request you intend to use in the property owner's notice. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The example illustrates a detailed description:

Public Hearing and consideration or a request from the strict application of Section 8-200 (C)(5)(a) of the Alexandria Zoning Ordinance to permit access to a non-required parking area for other than an alley or interior court.

If you fail to submit draft language at the time of the application filing deadline, the application will be determined to be incomplete and may be deferred by staff.



Department of Planning and Zoning

Floor Area Ratio and Open Space Calculations

as of 12/20/18

B

A. Property Information

A1. 322 S. Lee Street

Street Address

RM
Zone

A2. 5,491

Total Lot Area

x 1.5

Floor Area Ratio Allowed by Zone

= 8,237 S.F.

Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area

Basement	871
First Floor	1,978
Second Floor	1,803
Third Floor	N/A
Attic	N/A
Porches	251
Balcony/Deck	N/A
Lavatory***	Included Above
Other**	89 (Shed)

Allowable Exclusions**

Basement**	871
Stairways**	107
Mechanical**	N/A
Attic less than 7'***	N/A
Porches**	167
Balcony/Deck**	N/A
Lavatory***	196
Other**	65 (Shed)
Other**	N/A

B1. 4,992 Sq. Ft.

Existing Gross Floor Area*

B2. 1,341 Sq. Ft.

Allowable Floor Exclusions**

B3. 3,651 Sq. Ft.

Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Comments for Existing Gross Floor Area

B1. **Total Gross**

4,992

B2. **Total Exclusions**

1,341

C. Proposed Gross Floor Area

Proposed Gross Area

Basement	764
First Floor	30
Second Floor	0
Third Floor	N/A
Attic	N/A
Porches	107
Balcony/Deck	N/A
Lavatory***	Included Above
Other	16

Allowable Exclusions**

Basement**	764
Stairways**	138
Mechanical**	N/A
Attic less than 7'***	N/A
Porches**	70
Balcony/Deck**	N/A
Lavatory***	0
Other**	0
Other**	16

C1. 917 Sq. Ft.

Proposed Gross Floor Area*

C2. 988 Sq. Ft.

Allowable Floor Exclusions**

C3. -71 Sq. Ft.

Proposed Floor Area Minus Exclusions
(subtract C2 from C1)

C1. **Total Gross**

917

C2. **Total Exclusions**

988

D. Total Floor Area

D1. 3,580 Sq. Ft.

Total Floor Area (add B3 and C3)

D2. 8,237 Sq. Ft.

Total Floor Area Allowed
by Zone (A2)

E. Open Space

E1. 3,376 Sq. Ft.

Existing Open Space

E2. 1,922 Sq. Ft.

Required Open Space

E3. 3,173 Sq. Ft.

Proposed Open Space

Notes

*Gross floor area is the sum of all areas under roof of a lot, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

** Refer to the Zoning Ordinance (Section 2-145(B)) and consult with Zoning Staff for information regarding allowable exclusions. Sections may also be required for some exclusions.

***Lavatories may be excluded up to a maximum of 50 square feet, per lavatory. The maximum total of excludable area for lavatories shall be no greater than 10% of gross floor area.

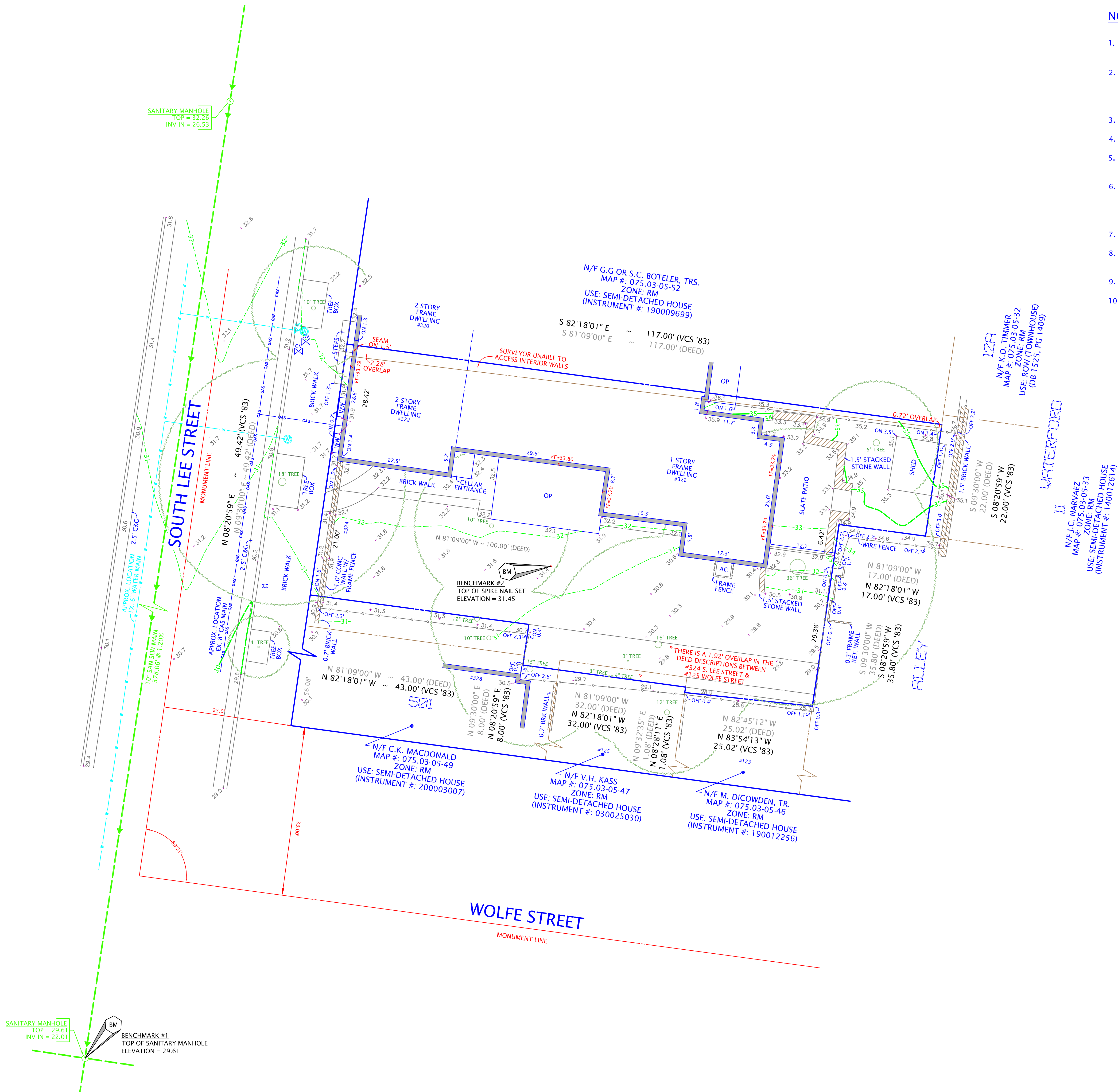
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

12/06/2021









Signature: _____

Date: _____

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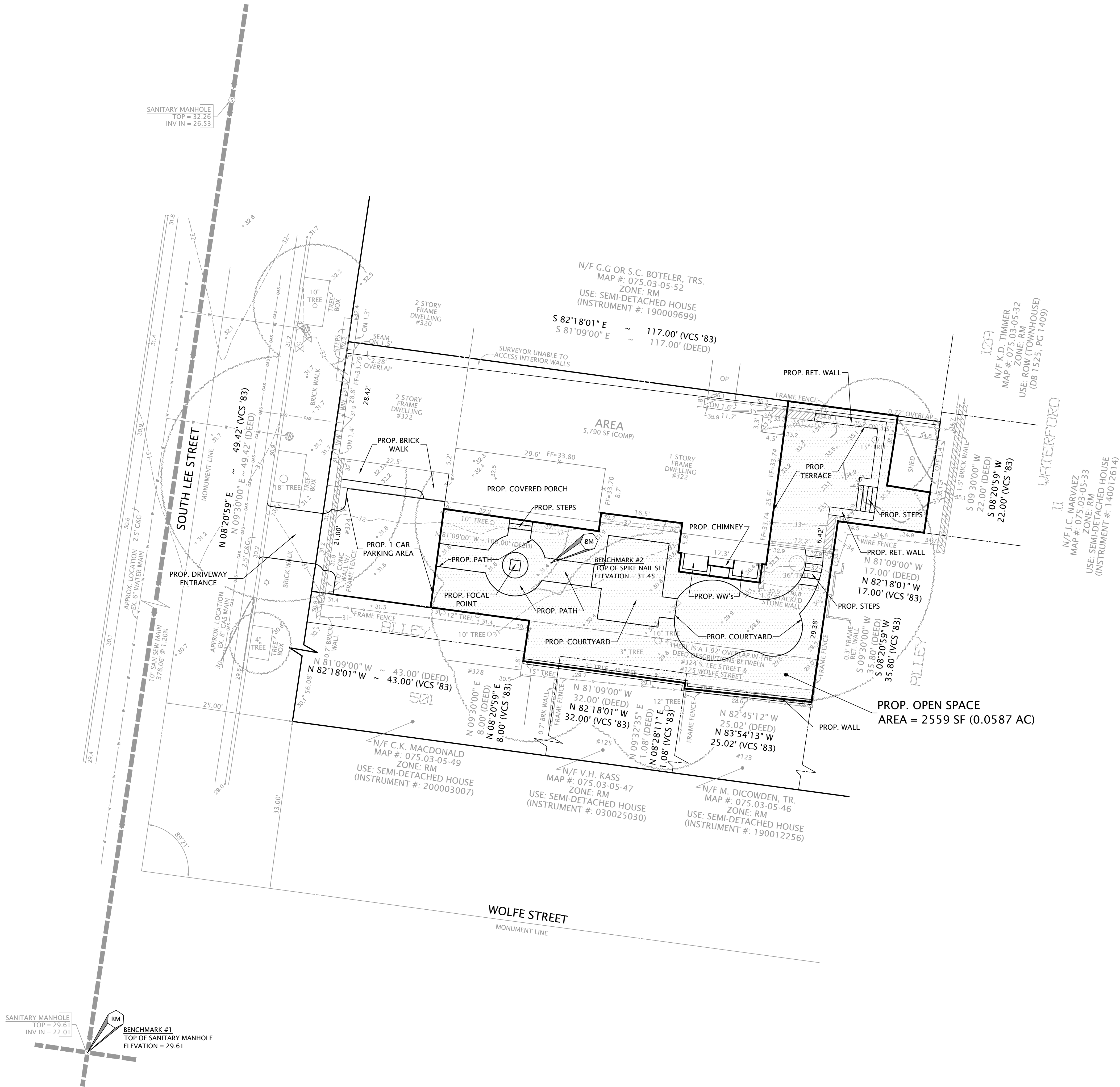
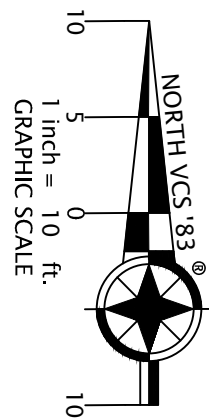


- I, GEORGE M. O'QUINN, L.S., DO HEREBY CERTIFY THAT THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL ☒ GROUND, OR ☐ AIRBORNE SURVEY MADE UNDER MY SUPERVISION, THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON SEPTEMBER 29, 2021, AND THAT THIS PLAT, MAP, OR DIGITAL GEOSPATIAL DATA (INCLUDING METADATA), MEETS MINIMUM ACCURACY STANDARDS, UNLESS OTHERWISE NOTED.

LEGEND	
AC	AIR CONDITIONER
APPROX	APPROXIMATE
BM	BENCHMARK
BRK	BRICK
C&G	CURB & GUTTER
CONC	CONCRETE
DB	DEED BOOK
EX	EXISTING
 GAS	GAS LINE(UNDERGROUND)
	GAS VALVE
	LIGHT POLE
N/F	NOW OR FORMERLY
OP	OPEN PORCH
PG	PAGE
RET	RETAINING
	SANITARY MANHOLE
SAN SEW	SANITARY SEWER
 W	WATER LINE(UNDERGROUND)
	WATER METER
	WATER VALVE
WW	WINDOW WELL
+270.8	SPOT ELEVATION
	CONTOUR

TOPOGRAPHIC SURVEY
ON
THE PROPERTIES LOCATED AT
#322 AND #324 SOUTH LEE STREET
(INSTRUMENT #: 21004560)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 10' SEPTEMBER 29, 2021

 <p>09/29/2021</p> <p>GEORGE M. O'QUINN</p> <p>LICENSE NO. 2069</p> <p><i>George M. O'Quinn</i></p>	 <p>DOMINION</p> <p>Surveyors Inc.®</p>
	<p>8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309</p> <p>703-619-6555 FAX 703-799-6412</p>
<p>SHEET 1 OF 1</p> <p>#210428014-2</p> <p>#90-21</p>	



OPEN SPACE CALCULATIONS:

TOTAL LOT AREA = 5,790 SF

MINIMUM OPEN SPACE REQUIRED (%) = 35%

MINIMUM OPEN SPACE REQUIRED (AREA) = TOTAL LOT AREA * MINIMUM OPEN SPACE REQUIRED (%)

MINIMUM OPEN SPACE REQUIRED (AREA) = 5790 SF * 35%

MINIMUM OPEN SPACE REQUIRED (AREA) = 2027 SF

PROP. OPEN SPACE PROVIDED (AREA) = 2559 SF

PROP. OPEN SPACE PROVIDED (%) = PROP. OPEN SPACE PROVIDED (AREA) / TOTAL LOT AREA * 100

PROP. OPEN SPACE PROVIDED (%) = 2559 SF / 5790 SF * 100

PROP. OPEN SPACE PROVIDED (%) = 44% > 35% [OK]

PROPOSED OPEN SPACE EXHIBIT

ON

THE PROPERTIES LOCATED AT

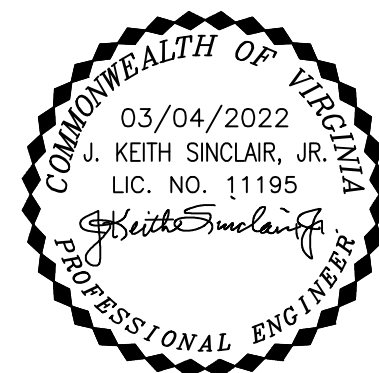
#322 AND #324 SOUTH LEE STREET

(INSTRUMENT #: 21004560)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 10'

MARCH 4, 2022



DOMINION Surveyors Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX 703-799-6412

SHEET 2 OF 2

#210428014

#90-21





HERGET RESIDENCE - FRONT ELEVATION

322 S. LEE ST. - PROPOSED FENCE WITH DRIVE GATES



