



DEPARTMENT OF
PLANNING & ZONING

DSP2025-00030 & SUB2025-00006
Additional Materials
March 3, 2026

DATE: FEBRUARY 27, 2026

TO: CHAIR MCMAHON AND MEMBERS OF THE PLANNING COMMISSION

FROM: PAUL STODDARD, PLANNING AND ZONING DIRECTOR Paul Stoddard Digitally signed by Paul Stoddard
Date: 2025.03.27 16:45:28
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SUBJECT: DOCKET ITEM #4 – 806 NORTH COLUMBUS STREET

The purpose of this memo is to provide further information regarding the requested subdivision at 806 North Columbus Street scheduled to be heard at the March 3 Planning Commission hearing. Specifically, this memo

- i. clarifies the distinction between subdivision and zoning considerations,
- ii. describes the applicable standards when considering subdivisions with variations,
- iii. summarizes a similar case involving a subdivision with variation, and
- iv. applies the variation standards to the current application.

I. SUBDIVISION VS. ZONING REGULATIONS

Subdivision and Zoning regulations are related, but establish different review criteria and serve different purposes. Subdivision regulations govern the division of land into lots for development or transfer of ownership. They ensure orderly land division. Among other things, the subdivision regulations require new lots to be compatible with surrounding lot character and meet the dimension requirements of the zoning district in which the subdivision is situated. See [Zoning Ordinance Section 11-1710](#).

Zoning regulations establish permitted land uses and development standards for what can be built on any given lot, including building height, density (often measured by Floor Area Ratio or FAR), and setbacks. See [Zoning Ordinance Section 3-706](#) (RB zone regulations).

Through the subdivision process, the Planning Commission may consider whether a proposed lot could accommodate a building in general compliance with zoning regulations ([see section 11-1710\(B\)](#)). However, the Planning Commission cannot evaluate the appropriateness of a proposed development in the context of the subdivision considerations. For example, an evaluation of a proposed building height is not

appropriate under the subdivision regulations. Instead, such analysis is appropriate through the site plan process. See [Zoning Ordinance Section 11-410](#) and *Seymour v. City of Alexandria*, 273 Va. 661 (2007).

II. SUBDIVISION VARIATION STANDARDS (Section 11-1713)

The Planning Commission may approve variations from the subdivision standards upon finding that the criteria in [Zoning Ordinance Section 11-1713](#) have been met. This requires the Planning Commission to find that:

- (i) *a strict adherence to such provisions would result in substantial injustice*
- (ii) *the use and character of the resulting lots or parcels in such a subdivision would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the immediate area;*
- (iii) *and one or more of the following special circumstances exists:*
 - ...
 - 5. *Resubdivision of lots in subdivisions of record as of January 1, 1952, where, because of existing structures or gross area of land involved, the subdivided lots would not conform to all of the requirements of the zone in which the subdivision is located.*

The subdivision ordinance then defines substantial injustice as follows:

strict application of this ordinance would create an unreasonable burden on the development, use and enjoyment of the property which outweighs the land use or land development purposes served by the specific zoning provision or provisions of this ordinance at issue

The text above was updated on January 23, 2010 when City Council approved a text amendment to the subdivision with variation regulations. The staff report provided the following explanation (emphasis added) of how staff expected to implement the variation standards.

This standard requires a balancing between the harm to the applicant in terms of limitations on the use and development of his property, on the one hand, and the benefit to the community of zoning compliance on the other. There are cases in which the zoning benefit of a particular lot width, or FAR, is elusive, especially in a neighborhood where the lot and building in question have been part of the community and the streetscape without harm for decades, if not centuries. By the same token, changes in lot lines in established neighborhoods are typically to benefit a private owner and his particular preference, such as a larger yard, more ample separation from neighbors, or a larger house. Subdivisions in established

areas are often necessary as a precursor to development or to the sale of land. Thus, on both sides of the equation, there is room for judgment and flexibility.

*This additional language, especially when considered with the already existing use and character standard for variations (Section 11-1713(A)(iii)) and the "character" requirement for all subdivisions (Section 11-1710(B)) is very helpful. In the variation context, the result of the three considerations is tantamount to a **balancing of planning standards with zoning standards**, a determination on a case-by-case basis whether they are different and, if so, a decision about which provides greater benefit. **If the zoning rules are not met but the stated planning considerations are, then staff will typically recommend in favor of the variation.**"*

The substantial injustice standard asks whether the burden outweighs the land use purposes served by the specific zoning provisions at issue. It does not ask whether an unreasonable burden exists in isolation. It asks whether the burden outweighs the land use purposes served by the specific provisions at issue.

When reviewing subdivision applications, it is important to focus on the application as submitted and whether or not the applicant's proposal meets the standards. Another way to view this is, the question is not "does the applicant have other options?" but rather "does preventing this specific configuration serve any land use purpose?" when there is a burden on the applicant. If the answer is no, then the variation request meets the substantial injustice criteria. This is consistent with the 2010 staff report referenced above, which noted: "If the zoning rules are not met but the stated planning considerations are, then staff will typically recommend in favor of the variation."

III. PREVIOUS APPLICATION

The 2010 text amendment staff report highlighted above referenced a subdivision case at 427 North West Street as an example of proper application of the substantial injustice test. The applicant sought to re-subdivide one 32-foot-wide lot into two 16-foot-wide lots to construct a second dwelling. The proposed lots would not meet RB zone requirements (50 feet for single-unit dwellings). The lots had originally been platted as two separate 16-foot lots in 1895-1896 and were consolidated in 1962.

Staff found substantial injustice based on the balancing framework: "The planning considerations of the neighborhood character seem to staff to clearly override the technical zoning requirements for this and for other lots in the area." Staff also noted that "a substantial injustice may also exist to the neighborhood upon consideration of alternative development schemes"—specifically, that strict application would allow the

applicant to build a large addition creating "a single-family dwelling [that] could be large enough and wide enough to be out of character and rhythm for this neighborhood." The Commission approved the variation 5-2.

IV. CURRENT APPLICATION

Like 427 North West Street, the current case involves a pre-1952 lot pattern in which the lot widths and sizes in the neighborhood are smaller than what is strictly required in the applicable zoning district. While the proposed re-subdivision does not meet the strict dimensional requirements of the zoning ordinance, it satisfies the underlying planning purposes – adequate access, neighborhood compatibility, and density control.

Staff recommends approval of the application because the burden of meeting the strict lot requirements of the zoning ordinance would prevent a re-subdivision that meets the planning purposes of the subdivision ordinance.

Re: Opposition to SUB2025-00006 and DSP2025-00030 (806 N. Columbus Street)**Submitted by: Kate Zernes, 814 N. Columbus Street**

I respectfully request that the Planning Commission deny the applicant's subdivision variation and Development Site Plan for 806 N. Columbus Street. Based on the standards in Zoning Ordinance §§ 11-1710 and 11-1713, the application does not meet the required findings.

1. The proposed lots fail the compatibility requirement of § 11-1710(B).

Section 11-1710(B) requires that new lots be "compatible with surrounding lot character" and capable of accommodating buildings in "general compliance with zoning regulations."

The applicant's own subdivision exhibit shows:

- Proposed lot widths of 17.5 feet
- Existing lot widths of 18.25 feet or greater

This reduction is inconsistent with the established lot rhythm of the block and fails the ordinance's compatibility requirement.

Further, the Design Guidelines for the Old and Historic Alexandria District and the Parker Gray district, the guidelines clearly disagree with the developers' design as presented. Referencing Page 165, the Guidelines state the following regarding height:

"Height: Building height should generally reflect the existing heights of buildings in the immediate vicinity of the proposed new construction. Single family houses Most single family houses in the historic districts are 2 or 3 stories in height. New single family residential construction should generally reflect this prevailing pattern."

In this case, the proposed project is 42.5 feet tall and four stories. The two adjacent buildings are both two stories with a total height of 32 feet for the building to the south and 25 feet for the building to the north. Thus, the proposed project will be nearly double the height of one of the adjoining existing historic properties. The proposed project has a significantly greater height and would not be in alignment with the "prevailing pattern" as referenced by the guidelines.

Further, this breaks precedent set by the Board of Architectural Review for the James Bland/Old Town Commons (OTC) development in 2019, which required that no four-story building could be built adjacent to a two-story historic building. This is particularly evident on the 800 block of North Columbus: the OTC development demonstrates almost no visible height difference to the historic homes to which they are directly adjacent. This demonstrates that a thoughtful and harmonious approach between historic and new construction, as required in Section 11-1710(B) and the Design Guidelines, can, and has been, achieved, on the exact block in question.

2. The applicant has not demonstrated “substantial injustice” under § 11-1713(A)(i).

The ordinance defines substantial injustice as a burden that “outweighs the land-use purposes served by the zoning provision.” The applicant has not shown any such burden.

- The property is fully developable today.
- The applicant can construct two by-right townhouses on the existing lots.
- The desire to build a third unit is a private preference, not a hardship.

As the applicant retains full, reasonable use of the property, no substantial injustice exists.

3. The pre-1952 lot-pattern exception does not apply.

Staff relies on § 11-1713(A)(iii)(5), which allows variations when restoring historic lot patterns. But the applicant is not restoring anything. The existing lots already reflect the historic pattern. The proposal would create new, narrower lots that never existed and that are inconsistent with both the historic fabric and the RB zone.

4. The proposal undermines the RB zone’s density and massing controls.

The RB zone’s dimensional standards protect neighborhood character by regulating spacing, rhythm, and massing. The applicant’s site plan shows:

- Three attached units with zero separation
- A combined façade width of approximately 52.5 feet
- A height of 42'-6"

This massing is incompatible with the block and defeats the zoning purpose of density control.

5. DSP-level benefits cannot justify a subdivision variation.

The applicant cites stormwater improvements, curb-cut removal, and transit access. These are site-plan considerations, not subdivision criteria. The subdivision must independently satisfy §§ 11-1710 and 11-1713, and it does not.

Conclusion and Request

The application fails the compatibility requirement, does not meet the substantial-injustice standard, misapplies the pre-1952 exception, and undermines the RB zone’s core purposes. I respectfully request that the Planning Commission deny SUB2025-00006 and DSP2025-00030.