

Docket Item #3
BZA #2025-00007
Board of Zoning Appeals
September 8, 2025

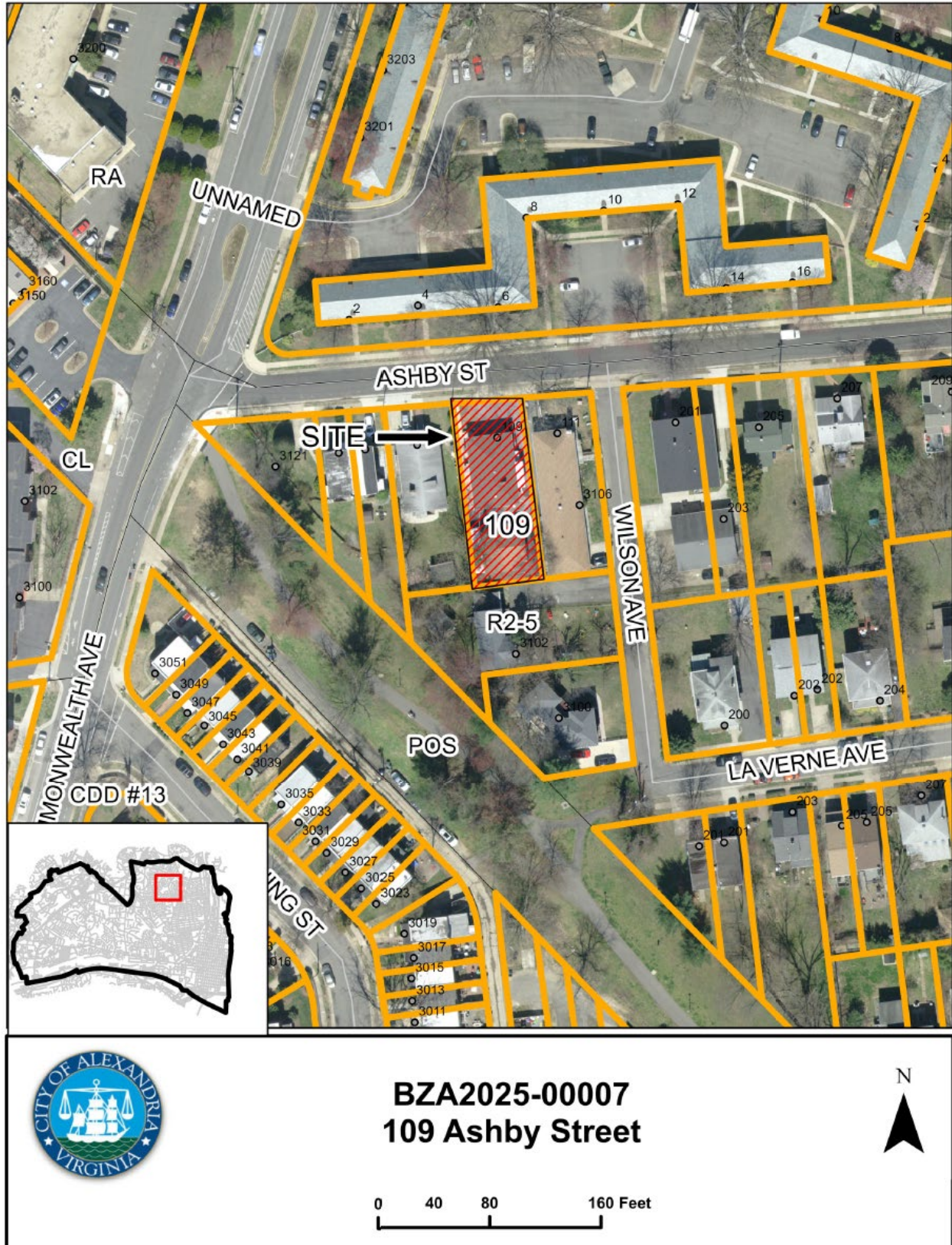
ADDRESS: 109 ASHBY STREET
ZONE: R-2-5/RESIDENTIAL SINGLE AND TWO-FAMILY
APPLICANT: BRENNEN B. AND KARAH M. JAEB

ISSUE: Special exception to alter a detached accessory building for use as an accessory dwelling.

CODE SECTION	SUBJECT	ZONING REQUIREMENT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-203(C)(1)	Size	500 Sq. Ft. (Maximum first floor area)	948 Sq. Ft.	448 Sq. Ft.

Staff **recommends approval** of the request because it meets the required special exception standards.

If the Board decides to grant the requested special exception it is subject to compliance with all applicable code requirements, ordinances, and recommended conditions found in the department comments. The special exception 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.



I. Issue

The applicants, Brennan and Karah Jaeb, propose the conversion of an existing detached accessory building to an accessory dwelling. The accessory building would not be expanded. The existing accessory building does not comply with the size limitation for accessory dwellings. The applicants request a special exception from the maximum size limitation for an accessory dwelling located within the existing detached accessory building.

II. Background

The subject property is a lot of record with 50.00 feet of frontage along Ashby Street, a depth of 130.53 feet along the east side property, 132.43 feet along the west side property line and 50.00 feet across the rear property line. It has a lot size of 6,574 square feet and complies with the lot width, frontage and area for a single-unit dwelling in the R-2-5 zone. Multi-unit, two-unit and single-unit dwellings surround the subject property. A single-unit dwelling, constructed circa 1953 occupies the subject property. The accessory building, shown in Figure 1, below, occupies the southern rear portion of the subject property. Aerial imagery indicates that an accessory building has existed in this location since the mid-1980's.



Figure 1 – Existing Accessory Building

The existing one-story accessory building measures 30.00 by 31.60 feet, for a total of 948 square feet. The accessory building is located 8.90 feet from the east side property line, 11.10 feet from the south side property line and 8.80 feet from the rear (south) The accessory building measures 12.70 feet in height measured from average pre-construction grade to the midpoint of the gable roof.

Accessory dwelling units (ADUs) are secondary, independent living units that typically have separate kitchen, sleeping, and bathroom facilities. ADUs can assume various forms, including basement apartments, converted garages, or new detached structures from a primary residence. The City's policy towards accessory dwellings was adopted in 2021

after extensive community engagement. Among many objectives, some goals of the policy are to allow for new dwelling units that are compatible with neighborhood character, to increase the supply of lower-cost housing, and to provide flexibility for residents to accommodate multi-generational households and caregivers.

The following table provides a summary of all applicable zoning regulations as they pertain to the subject property and an accessory dwelling in the R2-5 zone:

	Required/Permitted	Existing	Proposed
Lot Size	5,000 Sq. Ft.	6,574 Sq. Ft.	No change
Lot Width	50.00 Ft.	50.00 Ft.	No change
Lot Frontage	40.00 Ft.	50.00 Ft.	No change
Side Yard (East)	3.00 Ft.	8.90 Ft.	No change
Side Yard (West)	3.00 Ft.	11.10 Ft.	No change
Rear Yard	3.00 Ft.	8.80 Ft.	No change
Height	20.00 Ft.	12.70 Ft.	No change
Maximum Net Floor Area of ADU First Floor	500 Sq. Ft.	948 Sq. Ft.	No change
Floor Area (entire property)	2,958 Sq. Ft. 0.45 FAR	4,070 Sq. Ft. 0.62 FAR.	3,720 Sq. Ft.* 0.56 FAR

**Includes 350 square-foot exclusion for accessory dwelling*

III. Description

The applicant proposes to convert the existing accessory building to an accessory dwelling as shown in Figure 2. No expansion of the building is proposed. As an accessory dwelling, the accessory building would be required to provide side and rear yards of 3.00 feet. Its first-floor net floor area could not exceed 500 square feet. The existing accessory building exceeds this size limit, but meets the required side and rear yards.

The proposal would comply with all other applicable zoning regulations.

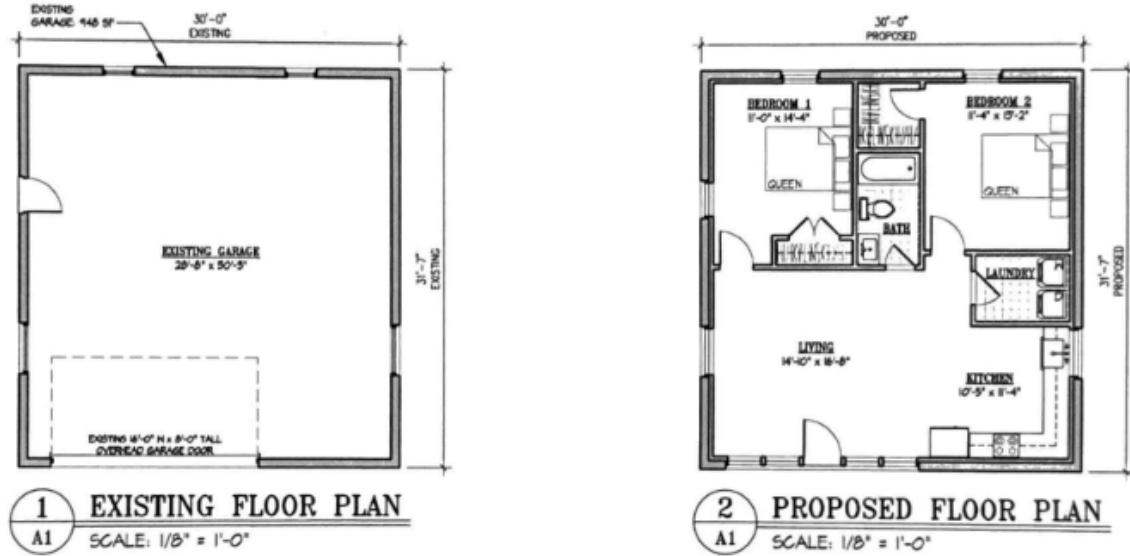


Figure 2 – Existing and Proposed Accessory Building Plan

IV. Noncomplying Structure

As outlined in the table above, the property is noncomplying with regard to FAR. The construction of the existing principal structure is somewhat unique. Staff believes it to have been originally constructed as a two-unit (or more) dwelling. The level visually perceived as a basement is not sufficiently underground to qualify as an exclusion from being counted as floor area, which is the typical case with most single-unit dwellings. Therefore, the total area of the existing principal and accessory building is .62 FAR. The proposed conversion of the accessory building to an accessory dwelling allows for a 350 square foot floor area exclusion, technically reducing the noncomplying FAR to .56.

V. Master Plan/Zoning

The subject property has been zoned R-2-5/Residential Single and Two-Unit since adoption of the Third Revised Zoning Map in 1951. The Potomac West Small Area Plan identifies the property for residential land use.

VI. Requested Special Exception

7-203(C)(1) – Size

The Zoning Ordinance establishes the maximum floor area of an accessory building's first floor, containing an accessory dwelling, to 500 square feet for lots 2,500 square feet or larger. The floor area of the existing accessory building's first floor is 948 square feet. The applicant requests an exception of 448 square feet from the maximum size limit.

VII. Special Exception Standards

Per Zoning Ordinance section 11-1304, the Board of Zoning Appeals "must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed." Section 11-1304 also states that the Board of Zoning Appeals "shall consider and weigh the following issues, as applicable:"

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.

The applicant has not proposed any expansion to the existing accessory building so there would be no impact to the public welfare, to the neighborhood or to the adjacent properties. The proposed accessory dwelling exceeds the minimum required setbacks for the structure and use.

The proposed accessory dwelling must comply with the use limitations established by Zoning Ordinance section 7-203(B) pertaining to accessory dwellings, as well as all other codes and ordinances. Compliance with the Zoning Ordinance would ensure that the use would not cause detriment to public welfare, the neighborhood or adjacent properties.

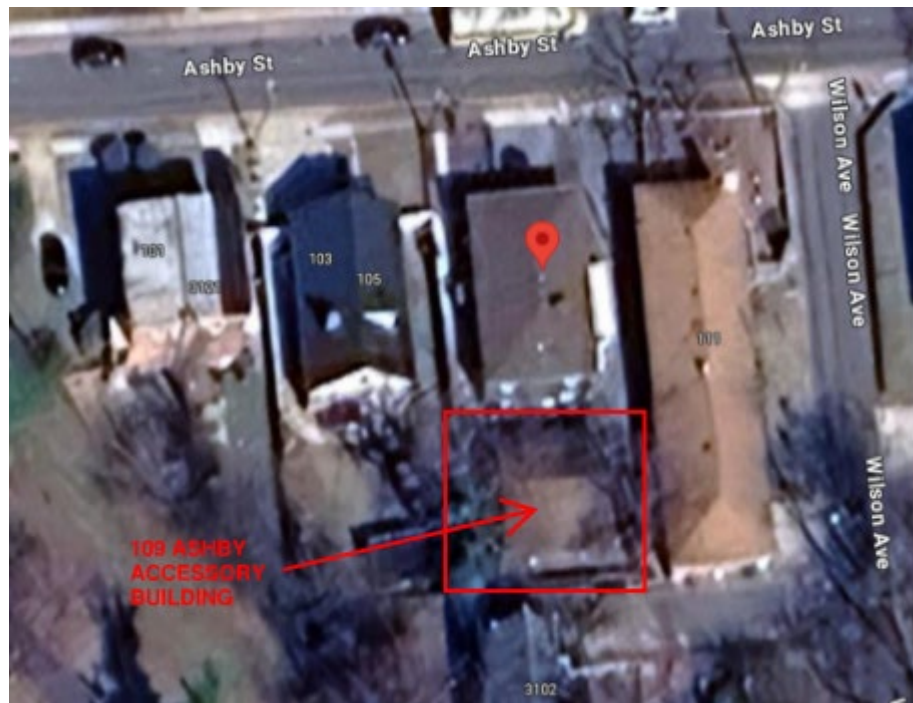


Figure 3 - Location of accessory building

- 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.

Approval of the special exception would not impact light and air supply to adjacent properties as the accessory building currently exists, would not be expanded, and exceeds required setbacks for the use. Any additional off-street parking needs associated with the use of the building as an accessory dwelling could be accommodated in the applicant's existing driveway and would not significantly increase traffic congestion. The applicant would be required to

comply with current building and fire codes so it would not increase the danger of fire or the spread of fire. There would be no impact to public safety.

- 3) Whether approval of the special exception will alter the essential character of the area or zone.

The proposed use of the building as an accessory dwelling would not alter the essential character of the area or zone. The subject property is adjacent to properties with similar residential densities including one- and two-unit buildings to the south, east, and west. Multi-unit condo buildings (Auburn Village) are located to the north on the opposite side of Ashby Street.

- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.

The proposal would not include any expansion to the existing accessory building that would affect compatibility with surrounding development.

- 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.

The existing location of the accessory building represents the only reasonable location on the lot to accommodate a detached accessory dwelling unit. The only alternative would include demolition and reconstruction of a smaller accessory building that met the size limitation. This would not be a reasonable means to accommodate a proposed accessory dwelling.

VIII. Staff Conclusion

In conclusion, staff recommends approval of the requested special exception because it meets all the standards for a special exception as outlined above.

Staff

Bill Cook, Urban Planner, william.cook@alexandriava.gov

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

Tony LaColla, AICP, 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 request is approved the following additional comments apply.

Transportation and Environmental Services (Stormwater):

C-1 No comment.

Development Right of Way (Planning and Zoning):

- 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 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)
- F-1 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (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 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 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-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)

Code Administration:

C-1 A building permit is required.

Recreation (City Arborist):

C-1 No comment.

Historic Alexandria (Archaeology):

- F-1 According to historic maps and aerial photographs, the main dwelling on this property was built in the mid-20th century. The property has the potential to contain significant archaeological information pertaining to the development of Del Ray.
- R-1 Call Alexandria Archaeology immediately 703-746-4399 if you discover any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts during development. Cease work in the discovery area until a City archaeologist inspects the site and records the finds. Include the preceding text on all Final Site Plan sheets involving any ground disturbing activities.
- R-2 The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, or allow independent parties to collect or excavate artifacts, unless authorized by Alexandria Archaeology. Failing to comply shall result in project delays. Include the preceding text on all Final Site Plan sheets involving any ground disturbing activities.
- C-1 All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.

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

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

PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name Brennen B. Jaeb

Address [REDACTED]

[REDACTED]

Daytime Phone [REDACTED]

Email Address [REDACTED]

2. Property Location 109 Ashby St, Alexandria, VA 22305

3. Assessment Map # 074.02 Block 03 Lot 05 Zone R2-5

4. Legal Property Owner Name Brennen B. Jaeb + Karah M. Jaeb

Address [REDACTED]

[REDACTED]

5. Describe request briefly:

Convert an existing garage into an ADU and storage unit/utility room. The existing garage is 945 sqft. There would be no additional sqft. The garage predated the current owner.

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:

Brennen B. Jacob

Print Name

Brennen B. Jacob

Signature

[REDACTED]

Telephone

22 Jul 25

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 \$2,500 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 11-1302(B)(4).

PART B (SECTION 11-1304)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please use additional pages where necessary.)

1. Explain how the special exception for the proposed addition, if granted, meets the applicant's needs.

The garage predates the owner's purchase of the home in 2023. This exception would allow construction of an ~~kit~~ ADU in the existing structure. The ADU could then be rented or used for family members.

2. Explain if the special exception, if granted, will harm adjoining properties or impact the neighborhood in any way.

No additional sqft to any structure. Only closing the existing garage door.
No additional parking, as there is plenty of room on the long drive way.

3. Explain how the proposed addition will affect the light and air to any adjacent property.

None. The existing building will not be expanded.

4. Explain how the proposed addition is compatible with other properties in the neighborhood and the character of the neighborhood as a whole.

No addition proposed. Structure is existing.

5. How is the proposed construction similar to other buildings in the immediate area?

Same as above.

6. Explain how this plan represents the only reasonable location on the lot to build the proposed addition.

Same as above.

7. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter.

No neighbors have objected. Both side neighbors have been asked in person. Certified mail to be sent closer to the hearing.

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. Brennen B. Jaeb	[REDACTED]	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 _____ (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. Brennen B. Jaeb	[REDACTED]	50%
2. Karah M. Jaeb	[REDACTED]	50%
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. None		
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.

22 Jul 25
Date

Brennen B. Jaeb
Printed Name

Brennen B. Jaeb
Signature



Department of Planning and Zoning

Floor Area Ratio and Open Space Calculations for

Single and Two-Family Residential Outside Historic Districts

A

A. Property Information

A1. 109 Ashby Street, Alexandria, VA 22305
Street Address

R-2-5

Zone

A2. 6,550.00

Total Lot Area

x 0.45

Floor Area Ratio Allowed by Zone

= 2,947.50

Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area

Basement 1,561.22

First Floor 1,561.22

Second Floor

Third Floor

Attic

Porches

Balcony/Deck

Garage 948.00

Other***

Allowable Exclusions**

Basement**

Stairways**

Mechanical**

Attic less than 7**

Porches**

Balcony/Deck**

Garage**

Other***

Other***

B1. 4,070.44

Existing Gross Floor Area*

Sq. Ft.

B2. 0.00

Allowable Floor Exclusions**

Sq. Ft.

B3. 4,070.44

Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Sq. Ft.

Comments for Existing Gross Floor Area

B1. **Total Gross**

4,070.44

B2. **Total Exclusions**

0.00

C. Proposed Gross Floor Area

Proposed Gross Area

Basement

First Floor

Second Floor

Third Floor

Attic

Porches

Balcony/Deck

Garage

Other***

Allowable Exclusions**

Basement**

Stairways**

Mechanical**

Attic less than 7**

Porches**

Balcony/Deck**

Garage**

Other***

Other***

C1. 0.00

Proposed Gross Floor Area*

Sq. Ft.

C2. 350.00

Allowable Floor Exclusions**

Sq. Ft.

C3. -350.00

Proposed Floor Area Minus Exclusions
(subtract C2 from C1)

Sq. Ft.

C1. **Total Gross**

0.00

C2. **Total Exclusions**

350.00

D. Total Floor Area

D1. 3,720.44 Sq. Ft.

Total Floor Area (add B3 and C3)

D2. 2,947.50 Sq. Ft.

Total Floor Area Allowed
by Zone (A2)

E. Open Space (RA & RB Zones)

E1. Existing Open Space Sq. Ft.

E2. Required Open Space Sq. Ft.

E3. Proposed Open Space Sq. Ft.

Notes

*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 of 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. Sections may also be required for some exclusions.

*** Refer to the Zoning Ordinance (Section 2-145(A)) and consult with Zoning Staff for additional allowable exclusions. Additional exclusions may include space under balconies, retractable awnings, etc.

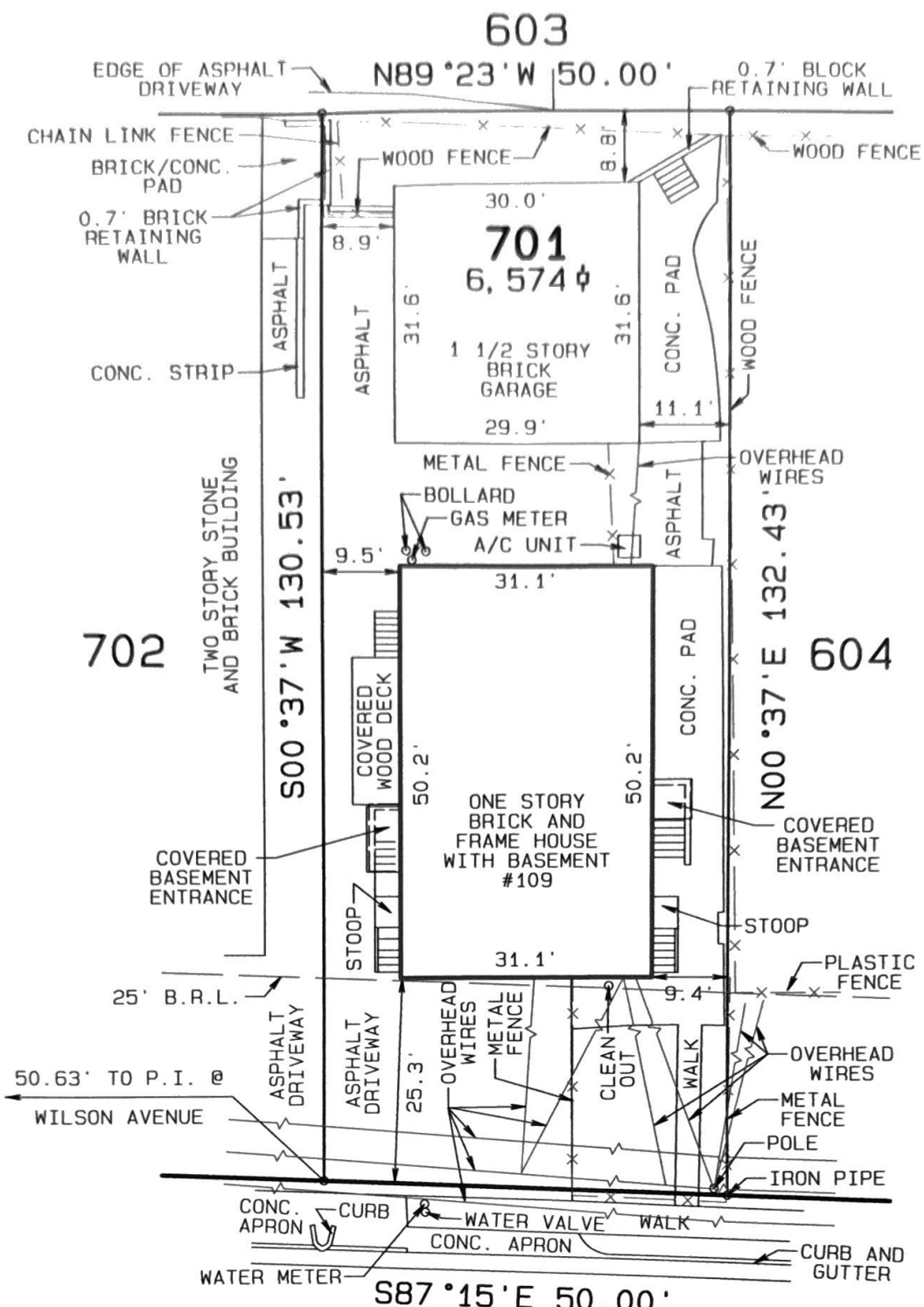
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature:

15

20250729

Date:



ASHBY STREET

40' R/W

PHYSICAL IMPROVEMENTS SURVEY

LOT 701; DIVISION OF LOT 602;
RESUBDIVISION OF LOTS 382, 383, AND 483 THROUGH 488

ST. ELMO

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=20' DATE: MAY 20, 2025

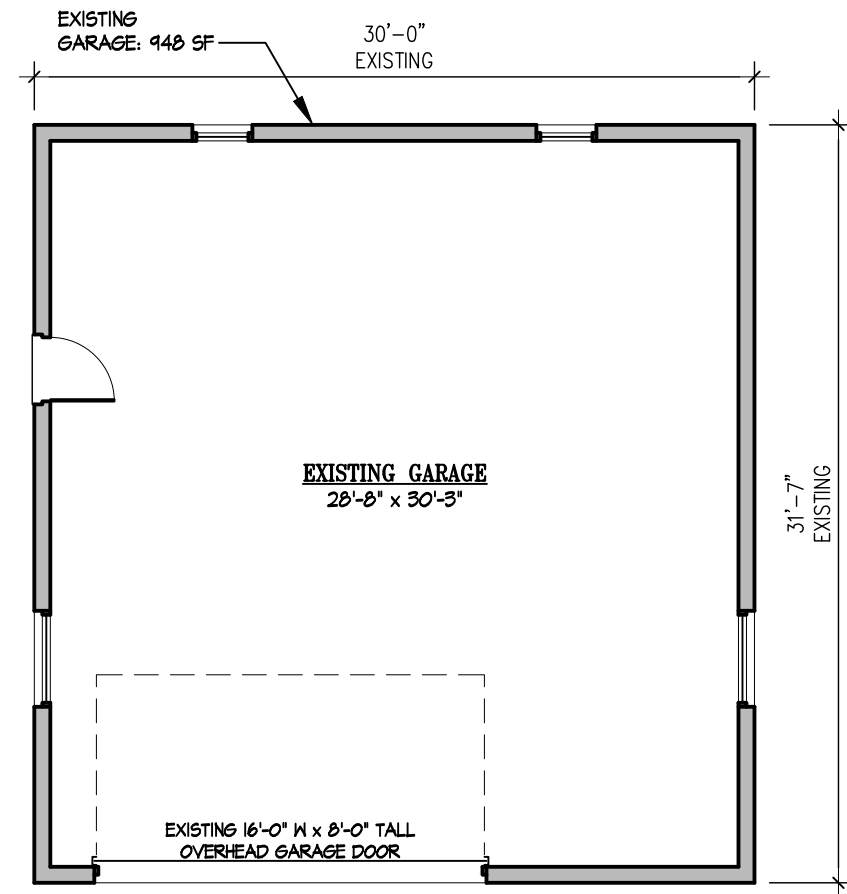
CASE NAME: BRENNEN OR KARAH MARIE JAEB

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

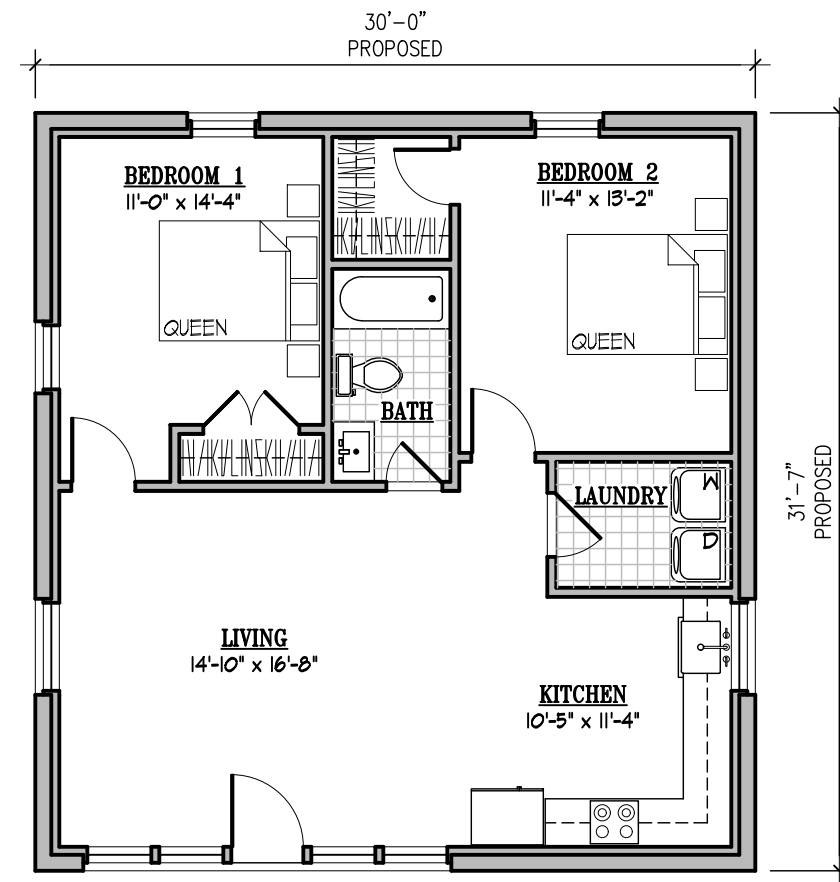
SCARTZ SURVEYS

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBIDGE, VIRGINIA
LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM



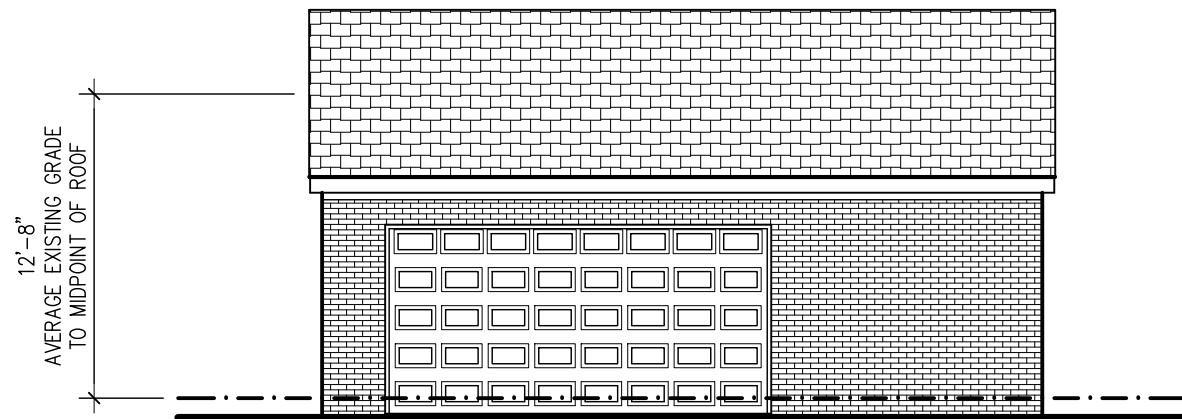


1
A1 **EXISTING FLOOR PLAN**
SCALE: 1/8" = 1'-0"



2
A1 **PROPOSED FLOOR PLAN**
SCALE: 1/8" = 1'-0"

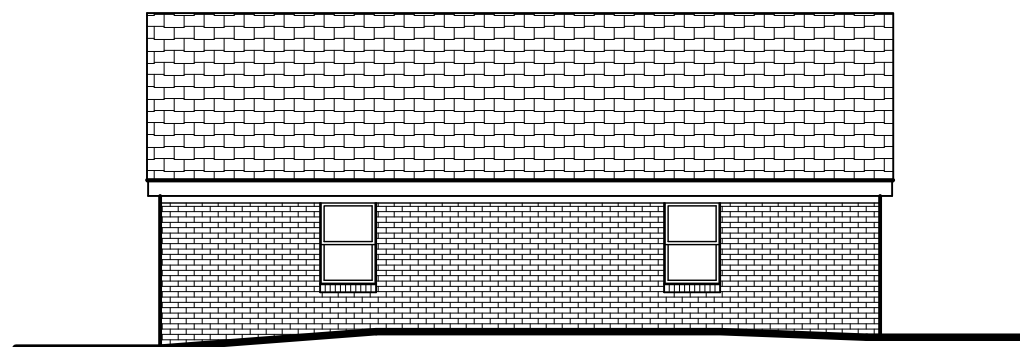
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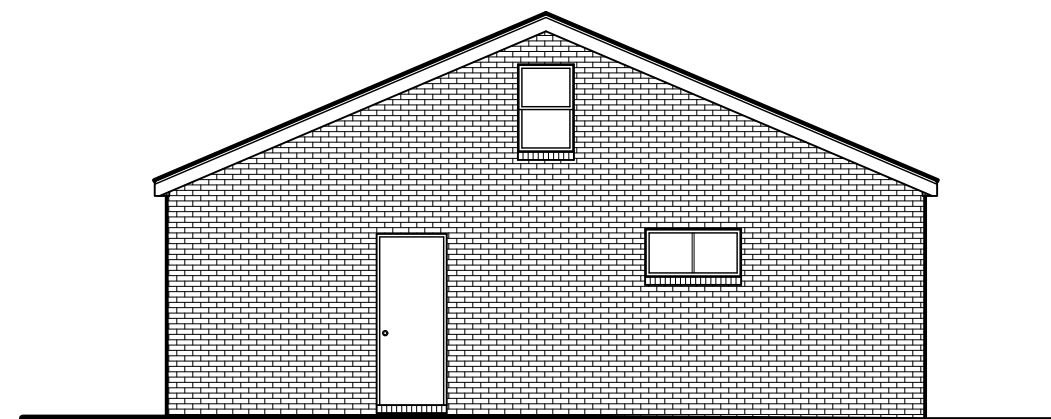
1 EXISTING FRONT (NORTH) ELEVATION
A2 SCALE: 1/8" = 1'-0"



2 EXISTING RIGHT (WEST) ELEVATION
A2 SCALE: 1/8" = 1'-0"

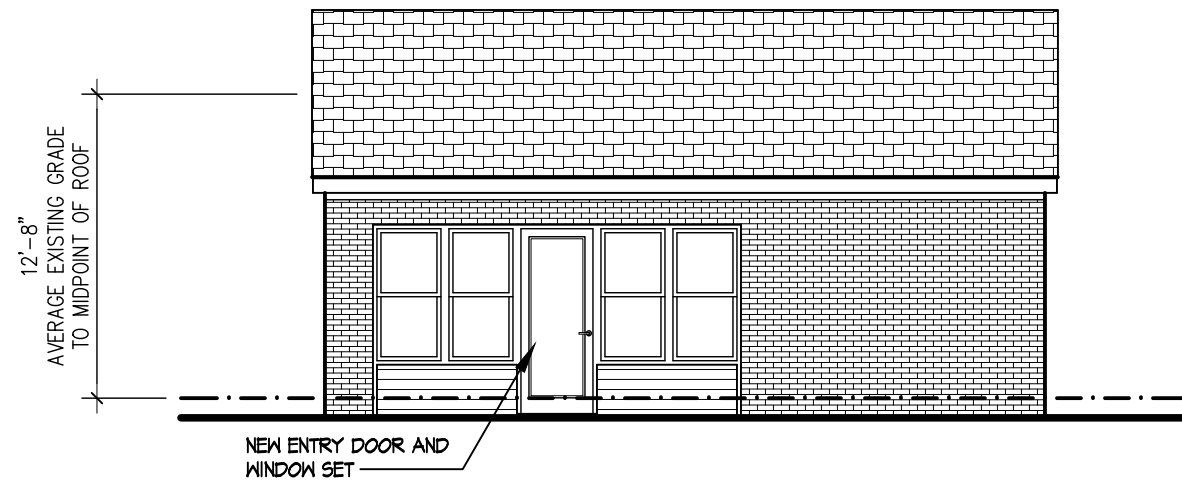


3 EXISTING REAR (SOUTH) ELEVATION
A2 SCALE: 1/8" = 1'-0"

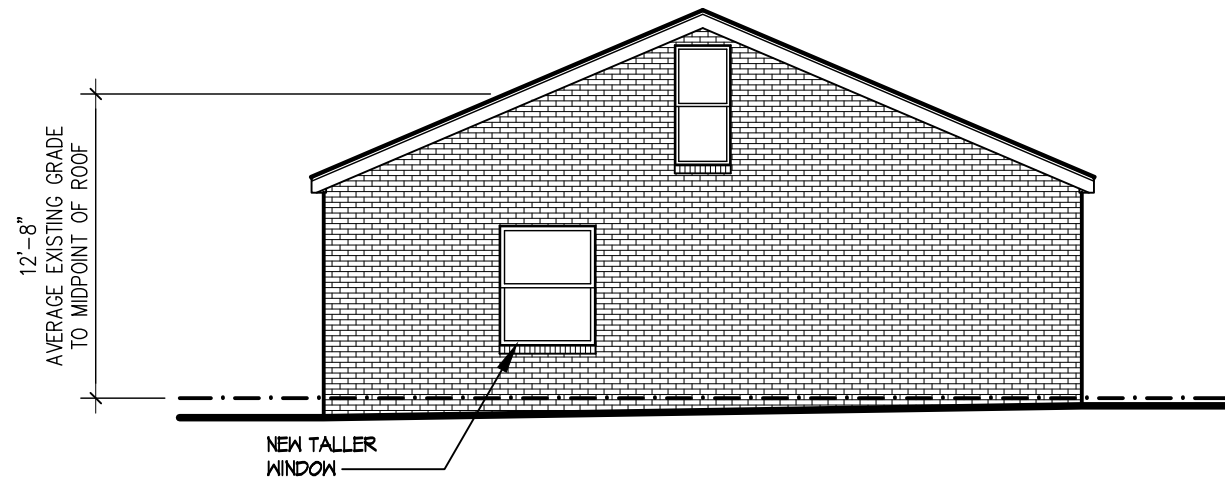


4 EXISTING LEFT (EAST) ELEVATION
A2 SCALE: 1/8" = 1'-0"

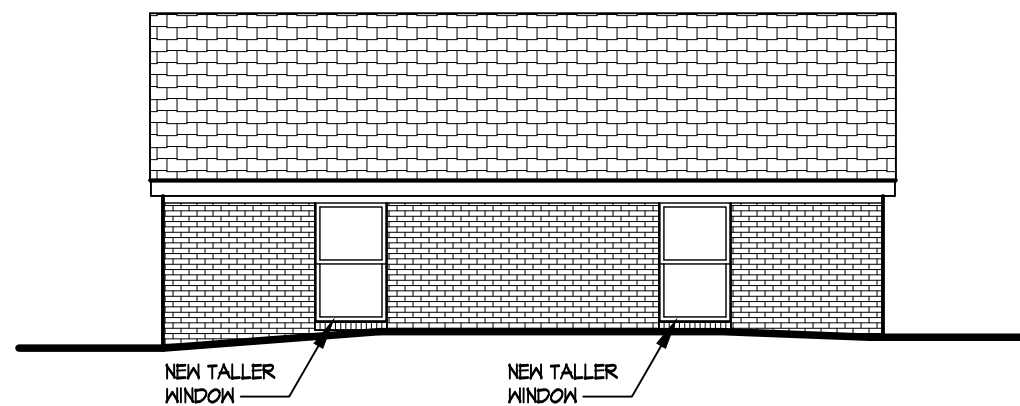
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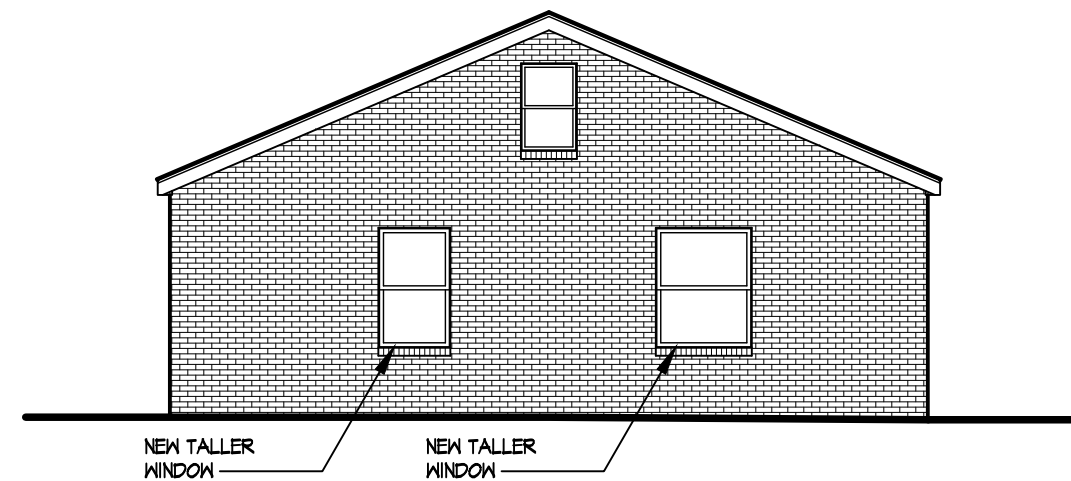
1 PROPOSED FRONT (NORTH) ELEVATION
A3 SCALE: 1/8" = 1'-0"



2 PROPOSED RIGHT (WEST) ELEVATION
A3 SCALE: 1/8" = 1'-0"



3 PROPOSED REAR (SOUTH) ELEVATION
A3 SCALE: 1/8" = 1'-0"



4 PROPOSED LEFT (EAST) ELEVATION
A3 SCALE: 1/8" = 1'-0"

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The below photos are each a side of the existing detached garage.



Figure 1: Northwest Corner Looking Across West Wall



Figure 2: Southwest Corner Looking Across South Wall



Figure 3: Southeast Corner Looking Across East Wall



Figure 4: Northeast Corner Looking Across North Wall