



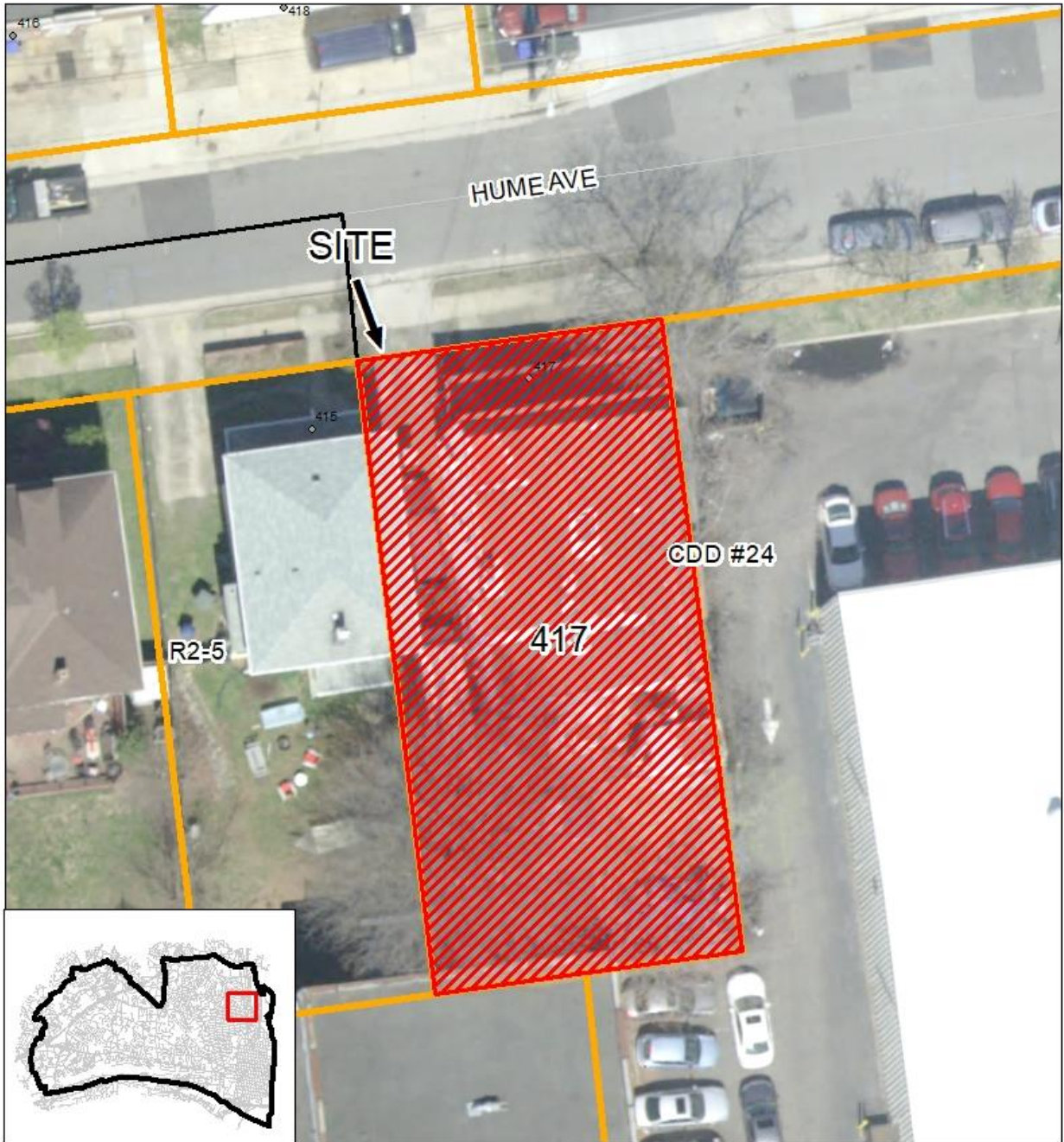
DOCKET ITEM #3
Development Site Plan #2022-00025
Discovery Time Learning Center

Application	General Data	
Project Name: Discovery Time Learning Center	PC Hearing:	January 3, 2023
	CC Hearing:	N/A
	Recommended DSP Expiration (if substantial construction is not achieved):	January 3, 2026
	Plan Acreage:	5,205 square feet
Location: 417 Hume Avenue	Zone:	CDD#24 / Coordinated Development District #24
	Proposed Use:	Day Care Center
Applicant: Discovery Time Learning Center by Theresa del Ninno, architect	Small Area Plan:	Potomac West (Oakville Triangle/Route 1 Corridor Vision Plan)
	Historic District:	Not Applicable
	Green Building:	Not Applied Due to Small Nature of Project

Purpose of Application
 The applicant requests approval of a Development Site Plan, pursuant to Section 7-903 of the Zoning Ordinance, for the enclosure and renovation of an existing front porch located in a zone transition setback at an approved day care center.

Staff Recommendation: APPROVAL WITH CONDITIONS

Staff Reviewers:
 Robert M. Kerns, AICP, Chief of Development robert.kerns@alexandriava.gov
 Nathan Randall, Principal Planner nathan.randall@alexandriava.gov



Development Site Plan #2022-00025
Discovery Time Learning Center
417 Hume Avenue



0 10 20 40 Feet

I. SUMMARY

Staff recommends **approval** of the requested Development Site Plan (DSP), pursuant to Section 7-903 of the Zoning Ordinance, for the enclosure and renovation of an existing front porch located in a zone transition setback at an approved day care center at 417 Hume Avenue. The proposal is minor in scope and would extend no further into the zone transition setback than the existing building. Approval of the request would also support the expansion of an existing small business and a use that is in high demand in the City.

II. BACKGROUND

A. Site Context

The project site, located one property westward from the intersection of Hume Avenue and Richmond Highway, has flat topography and measures 5,250 square feet in size. It is currently improved with a two-story building in poor condition and a driveway. Although the existing structure has a residential design that includes a front porch, it has been used commercially in the past, including for a catering business. The property is surrounded by a mix of commercial and residential uses. The applicant operates another location of Discovery Time Learning Center at 418-420 Hume Avenue, directly across the street from the site. Additional commercial businesses across the street include an office supply company, a restaurant, and a dog grooming spa. National Tire & Battery Warehouse is located immediately to the east, along Richmond Highway, and an additional automobile repair business is located immediately to the south, facing Raymond Avenue. A mix of one and two-family dwellings exists along Hume Avenue to the west.

The western property line of this site serves as the zone boundary between the CDD#24 and R2-5 zones.

The property is located in the Oakville Triangle/Route 1 Corridor Vision Plan update to the Potomac West Small Area Plan Chapter of the Alexandria Master Plan. The Plan recommends that the subject site be redeveloped in the future as part of Blocks 12 and 13 with new streets and mixed-use residential with ground-level retail, “maker” space, or other similar uses.

B. Recent Events

The applicant requested building permit approval for renovations to the existing building for a new day care center location in summer 2022. Although the majority of the renovations included in the building permit request were for the interior of the building, exterior renovations were also proposed to enclose the existing front porch and to add access ramps/stairs at the front and rear of the building. A new playground in the rear yard is also anticipated in the future.

Staff observed during its permit review that a portion of the existing building, including a portion of the existing front porch, is noncomplying because it encroaches into the 25-foot zone transition setback required from the western side property line. Most of the existing building can be renovated and used for the new day care center regardless of its noncomplying status. The new ramps, stairs, and playground are not subject to the zone transition requirement. However, the

renovation and enclosure of the portion of the front porch would increase the structure's degree of nonconformity within the zone transition setback. This element of the project therefore requires zoning relief in order for it to be approved.

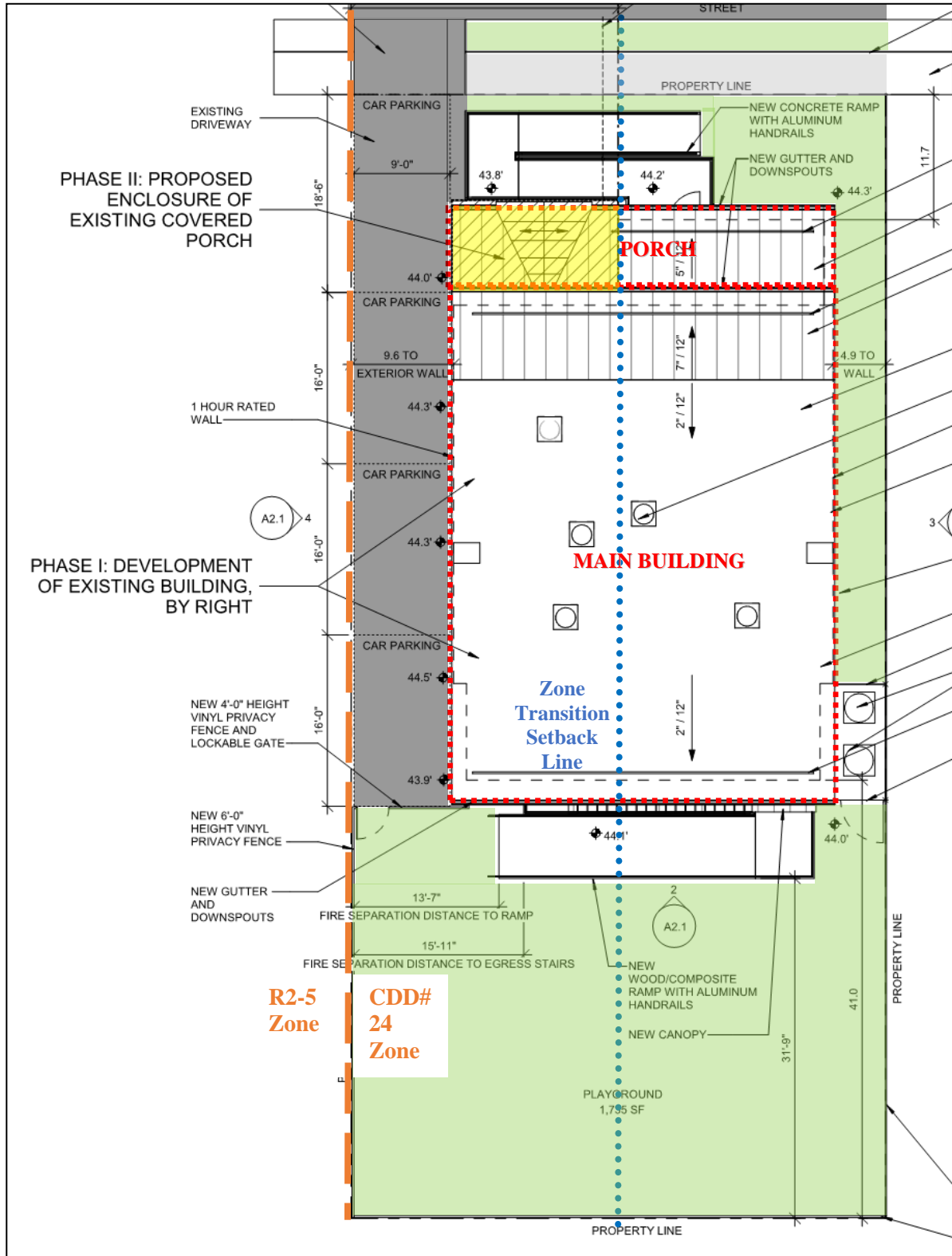
The applicant subsequently removed the porch enclosure from their building permit in order to proceed with the other renovations. If the subject request is approved, it plans to amend the approved building permit to add the enclosure back into the project. In addition to the existing building permit approval, the applicant has also received approval of the required pick-up and drop-off plan for the new location. The new day care center is not yet open for business.

III. PROJECT DESCRIPTION

The applicant, Discovery Time Learning Center, requests approval of a Development Site Plan (DSP) to enclose and renovate a 120 square-foot portion of the existing front porch (highlighted in yellow in Figure #1 on the following page) located in a zone transition setback at an approved, but not yet open, day care center. The applicant proposes to renovate the pitch of the porch's roof and enclose the porch for use as part of the interior space of their otherwise-approved day care center. The newly-enclosed, one-story area would extend 16 feet into the required 25-foot zone transition setback, leaving a setback of nine feet to the western side property line (and line of zone change). The proposed nine-foot setback is the same distance that exists today between the western property line and the existing front porch. The portions of the applicant's proposal that have already received City approval – including the interior renovation and the pick-up/drop-off plan – are not a part of the current DSP request.

The request is being processed as a Development Site Plan pursuant to Section 7-903 of the Zoning Ordinance, which is described in greater detail in the next section of this report. The zoning provision allows staff to require in the DSP submission only the amount of information necessary to review the zone transition matter. As a result, the submission package, this staff report, and the recommended conditions of approval are all oriented toward the zone transition matter alone – and therefore vary significantly from typical DSP requests.

Figure #1 : Plan for 417 Hume



ZONING

The subject site is zoned CDD#24 / Coordinated Development District #24. It is not included within the boundaries of the approved CDD Conceptual Design Plan for nearby Oakville, first approved in 2016 and most recently updated in 2020 (CDD#2020-00003). Consistent with Section 5-602(A) and the Corridor Vision Plan, zoning for the site is therefore administered pursuant to the underlying zone of CSL / Commercial Service Low. Pursuant to Section 3-302(E.1) of the Zoning Ordinance, day care centers are allowed in CSL by-right, subject to approval of a pick-up/drop-off plan (which has already been approved).

Section 7-902 of the Zoning Ordinance requires commercial buildings to maintain special front, side and rear setbacks when abutting or located across the street from residentially-zoned property. The subject site abuts only one residential zone line, to its western side, where a setback of 25 feet is required. The entire western portion of the building, including the existing front porch, is located approximately nine feet from the residential zone line rather than the required 25 feet. It is considered to be a noncomplying structure pursuant to Section 12-101.

Sections 12-102(A) and (B) of the Zoning Ordinance allow noncomplying structures to continue indefinitely as legal structures if they are not physically expanded and if any reconstruction does not increase the height, floor area ratio, or other features in a manner inconsistent with current zoning requirements. The proposed enclosure and renovation do not comply with these provisions and therefore represent an increase in the degree of nonconformity that is not allowed without additional zoning relief.

Staff has determined that Section 7-903 of the Zoning Ordinance is the sole option for relief from the zone transition requirement in this instance. The zoning provision stipulates that approval of a Development Site Plan, limited in its submission materials, is needed to allow for the porch enclosure in the zone transition setback. The DSP approval can be processed regardless of whether the proposed building changes require approval of a DSP in their own right. In this case, the building renovations at this site – absent the porch enclosure – do not require site plan approval.

IV. STAFF ANALYSIS

Staff recommends approval of the request to allow for the enclosure of a 120 square-foot portion of the existing front porch within the required zone transition setback, processed as a Development Site Plan (DSP) pursuant to an infrequently-used provision of the Zoning Ordinance. It is minor in scope, is not expected to generate any negative impacts, and would not extend any closer to the adjacent residential property than the existing porch. The proposal would also support the expansion of a locally-owned, small business and one that provides a high-demand service for the community.

Although not processed as a typical DSP submission and slate of standard conditions, staff has nonetheless included a limited number of recommended conditions of approval (see Section VI) to memorialize the scope of the request and re-enforce other City requirements. It should also be

noted that staff has not applied the Green Building Policy and its requirements in this case, given that the Policy offers a degree of flexibility for small projects such as this one.

The property has been posted with public notice signs announcing the proposed extension request. Additionally, written notification has been sent to all adjacent property owners with information about the proposal, the hearing dates, and applicant contact information. The applicant also conducted additional outreach by speaking with their immediate neighbors, informing the Lynhaven Civic Association, and discussing the project at the Del Ray Citizens Association at a mid-December meeting. To date, neither staff nor the applicant has received any comments from the community.

In conclusion, staff recommends **approval** of the Development Site Plan (DSP) request to enclose and renovate an existing front porch within the zone transition setback at 417 Hume Avenue, subject to compliance with all applicable codes and the staff recommendations contained in this report.

Staff: Robert M. Kerns, AICP, Chief of Development
Nathan Randall, Principal Planner, Development

V. STAFF RECOMMENDATIONS

1. The extent of the porch enclosure and renovation and its degree of encroachment into the zone transition setback shall be consistent with the plans submitted with this application dated October 20, 2022 to the satisfaction of the Director of Planning & Zoning. (P&Z)
2. 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)
3. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
4. 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)

VI. CITY DEPARTMENT COMMENTS

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

PLANNING & ZONING

Staff has no additional comments for this request.

TRANSPORTATION & ENVIRONMENTAL SERVICES

Findings:

- F1. 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:

- C1. 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)
- C2. 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)
- C3. 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)
- C4. All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C5. Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C6. 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

DSP # _____ Project Name: _____

PROPERTY LOCATION: _____

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT

Name: _____

Address: _____

PROPERTY OWNER

Name: _____

Address: _____

PROPOSED USE: _____

~~X~~ THE UNDERSIGNED hereby applies for Development Site Plan approval in accordance with the provisions of Section 11-400 of the Zoning Ordinance of the City of Alexandria, Virginia.

~~X~~ 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.

~~X~~ 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.



Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Email address

Date

Application Received: _____

Received Plans for Completeness: _____

Fee Paid and Date: _____

Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: _____

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 three percent.

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.

COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400, Richmond, VA 23233

Telephone: (804) 367-8500

EXPIRES ON

12-31-2023

NUMBER

0405000192

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS
PROFESSIONAL CORPORATION REGISTRATION

PROFESSIONS: ARC



MAGINNISS + DEL NINNO ARCHITECTS PC
500 MONTGOMERY ST STE 550
ALEXANDRIA, VA 22314



Mary Broz-Vaughan
Mary Broz-Vaughan, Director

Status can be verified at <http://www.dpor.virginia.gov>

(SEE REVERSE SIDE FOR PRIVILEGES AND INSTRUCTIONS)

DPOR-LIC (02/2017)

(DETACH HERE)



COMMONWEALTH of VIRGINIA
Department of Professional and Occupational Regulation

BOARD FOR APESCIDLA
PROFESSIONAL CORPORATION REGISTRATION
NUMBER: 0405000192 EXPIRES: 12-31-2023
PROFESSIONS: ARC
MAGINNISS + DEL NINNO ARCHITECTS PC
500 MONTGOMERY ST STE 550
ALEXANDRIA, VA 22314



(FOLD)

VOID

Status can be verified at <http://www.dpor.virginia.gov>

DPOR-PC (02/2017)

PATENTS 5,197,265 5-30-15P

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.		
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 417 HUME AVE (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.		
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.


Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
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.

10/20/2022
Date

Theresa del Ninno
Printed Name


Signature