

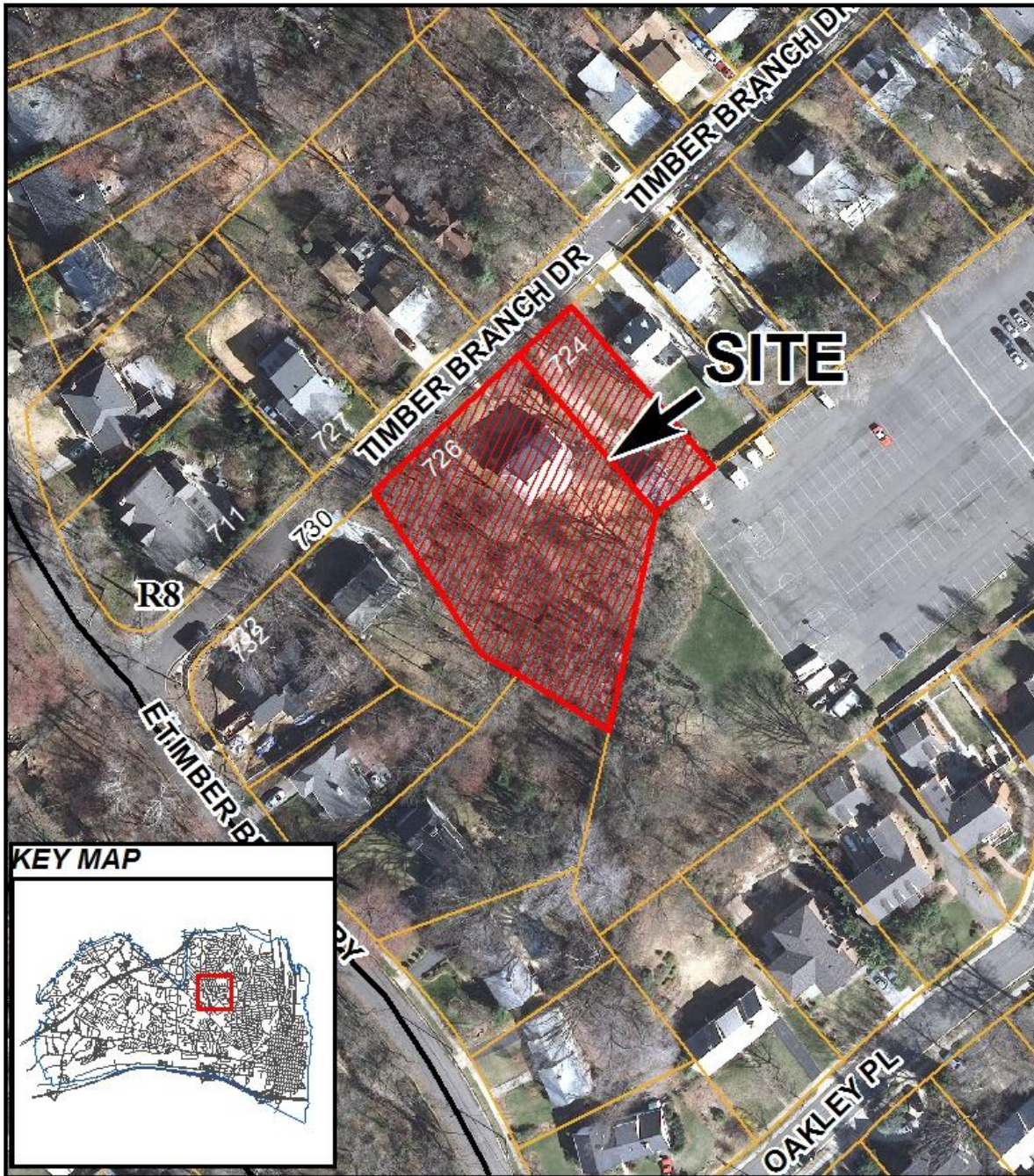
***Docket Item #5***  
***Subdivision #2013-0002***  
***724 and 726 Timber Branch Drive - Subdivision***

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<b>Application</b>	<b>General Data</b>	
Consideration of a request for a subdivision with variation.	<b>Planning Commission Hearing:</b>	May 7, 2013
	<b>Approved Plat must be recorded by:</b>	November 7, 2014
<b>Address:</b> 724 and 726 Timber Branch Drive	<b>Zone:</b>	R-8
<b>Applicant:</b> DuMor Properties, LLC	<b>Small Area Plan:</b>	North Ridge/Rosemont

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

**Staff Reviewers:** Marlo Ford: [marlo.ford@alexandriava.gov](mailto:marlo.ford@alexandriava.gov)  
 Stephen Milone: [Stephen.Milone@alexandriava.gov](mailto:Stephen.Milone@alexandriava.gov)



**SUB #2013-0002**  
**724 & 726 Timber Branch Dr.**

5/7/2013 N



## I. DISCUSSION

The applicant, DuMor Properties LLC, contract purchaser, requests subdivision approval at 724 and 726 Timber Branch Drive.

### SITE DESCRIPTION

The subject site consists of two existing lots of record. The lot addressed as 724 has a lot frontage of 50.00 feet and a lot area of 7,245 square feet. The lot addressed as 726 Timber Branch has a lot frontage of 133.52 feet and a lot area of 27,385 square feet. The combined frontage is 183.00 feet facing Timber Branch Drive, with a variable lot depth, and a total area of 34,997 square feet. The site is developed with one single-family home and accessory structures including a garage, well house and shed.



The surrounding area is comprised mostly of single-family dwellings. The First Assembly of God property, and specifically the church's rear parking lot, is located immediately to the east of the site at 700 West Braddock Road.

### BACKGROUND

The subject property consists of 724 Timber Branch Drive, a single lot which, together with the adjacent lot at 726 Timber Branch Drive, has long been the property of one family. The Clark family purchased Lots 13 and 14 in 1950. The large house and garage on the property appear to date from at least 1927 when they appear in aerial photographs. The house and accessory uses still exist as they were used by the Clark family for sixty years. Specifically, 726 Timber Branch (Lot 14) contains the main house and a swimming pool. The lot at 724 Timber Branch Drive (Lot 13) contains the driveway and garage for the main house.



In late 2011, the owner of the subject property approached the City with the desire to subdivide the property into three new lots by utilizing the existing lot located at 724 Timber Branch Drive as a substandard lot and subdividing the lot at 726 Timber Branch into two lots. Staff determined that the lot at 724 Timber Branch Drive did not meet the criteria for development of a substandard lot pursuant to Section 12-400 of the Zoning Ordinance. The owner appealed the

Director’s determination to the Board of Zoning Appeals which heard the case on July 12, 2012. The Board upheld the Director’s determination, leading to the current application.

PROPOSAL

The applicant proposes to re-subdivide the property into two newly-configured lots. Currently the lot addressed as 724 Timber Branch Drive has an existing garage on the lot. The lot will be combined with 69.52 feet of the adjacent lot to create Lot 601 with a lot frontage of 119.52 feet and will incorporate the existing house on the adjacent lot. Lot 601 will measure 19,266 square feet in area. The newly subdivided Lot 602 will have a lot frontage of 64.00 feet and will measure 15,732 square feet in area. The existing in-ground swimming pool on proposed Lot 602 is proposed to be removed in order to facilitate construction of a new single family dwelling.

ZONING ORDINANCE

The property is located within the R-8 / Single-Family Residential zone. As shown in the table below, the proposed lots meet minimum lot requirements. The existing dwelling that will now be located on 724 Timber Branch will also meet the maximum FAR and minimum setback requirements.

	<b>Minimum Required</b>	<b>Lot 13 Existing</b>	<b>Lot 601 Proposed</b>	<b>Lot 14 Existing</b>	<b>Lot 602 Proposed</b>
Lot Size	8,000 Sq. Ft	7,450 Sq. Ft	19,266 Sq. Ft	27,385 Sq. Ft	15,732 Sq. Ft
Lot Width	65’	50’	119.5’	141’	69’**
Lot Frontage	40’	50’	119.5’	133.5	64’

\*\*based on the average prevailing setback line

SUBDIVISION STANDARDS

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

**II. STAFF ANALYSIS**

Staff supports the subdivision request because the proposal for the new lots meet all Zoning Ordinance requirements, including lot size, lot width and frontage.

The proposed subdivision will exceed all of the technical Zoning Ordinance requirements for lots

in the R-8 Single Family Residential Zone. Additionally, the proposed subdivision meets the requirement that the lot be in character with the surrounding neighborhood because the proposed lots are consistent with the surrounding lots in their suitability for residential structures and uses, their alignment to streets and their orientation as required in Section 11-1710(B). The new lot will fit well into this developed residential neighborhood.

**Lot 601:**

The existing lot at 724 Timber Branch Drive currently only includes the garage for the house located on the adjacent lot. The new subdivision will allow the garage and the house to be on the same lot. This currently noncomplying lot will be increased in area resulting in a lot that exceeds the requirements for lots within the R-8 zone. Additionally, the existing house will meet all setback requirements. The existing garage currently does not comply with the rear yard setback and will continue to be noncompliant, requiring the need for a variation. The FAR for the existing house and garage will be approximately 0.18, well below the 0.35 FAR maximum for the R-8 zone.

*Variation:*

The existing garage on the lot at 724 Timber Branch Drive is setback 1.20 feet from the rear property line and does not comply with the minimum rear setback required. The height of the existing garage is 16.00 feet to the mid-point of the gable roof, requiring a setback of 16.00 feet from the rear property line, resulting in an existing noncompliance of 14.80 feet.

The Zoning Ordinance Section 11-1710(B)(3) requires that “No resubdivision shall be approved which results in the creation or the continuation of a lot, building or structure which does not comply with the provisions of this ordinance, unless the commission expressly authorizes a variation pursuant to section 11-1713 of this ordinance.” Section 11-1713(A) allows the commission to authorize specific variations “when the commission finds that (i) a strict adherence to such provisions would result in a substantial injustice (ii) the use and character of the resulting lots or parcels in such 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;” and when one of five potential special circumstances exists which in this case includes “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.”

Staff believes that the variation for a reduced rear yard setback for the garage is appropriate in this case because the noncompliance of this structure is not caused by the subdivision and the subdivision is actually bringing the lots into compliance with the lot requirements for the zone. The variation simply allows the existing noncomplying garage to remain in its present location despite requirement that the subdivision meet all provisions of the zone.

**Lot 602:**

The existing lot at 726 Timber Branch Drive currently includes the existing house and a swimming pool. What currently appears to be the wooded side yard of the existing house will be subdivided into new Lot 602, which will be reduced in lot square footage in comparison to the existing lot, but will still exceed the Zoning Ordinance requirements for lots in the R-8 Zone.

The swimming pool on the new lot is proposed to be removed to facilitate construction of a new house.

*Tree Preservation:*

The whole site is located on a hillside that falls 12 feet in elevation from the east to the west. The steepest slope occurs at the wooded western boundary on the proposed lot 602 and contains a mixture of trees identified as oaks, paulownia and sweetgums. The remainder of the site includes more open areas with both large specimen and ornamental trees together with site buildings. The site also lies adjacent to several trees in the public right-of-way.

The City Arborist and the reviewing Planning and Zoning Landscape Architect met with the applicants, their arborist and legal representative on site on April 3, 2013 to determine which trees should be protected and preserved on Lot 602. In response, the applicant has submitted a revised plan extending the tree protection areas on the lot. Trees are proposed to be protected in the front yard, rear yard and west side yard, including providing a minimum setback of 10 feet along the west property line to preserve trees along the slope adjacent to neighboring residential properties. Staff has created and attached a tree preservation area exhibit to illustrate the various stands of woodland to be preserved on the lot.

In applying both the average front setback in accordance with the infill regulations and the tree preservation area on the lot, a potential conflict arises. Section 2503(A) of the infill zoning regulations requires that a newly constructed home meet the average prevailing setback. Using information submitted by the applicant showing the setbacks from the curb line on the applicable block face, staff has calculated the required front setback to be 29.25 feet. However, in order to adhere to the full extent of the tree preservation areas that staff recommends and that the applicant has agreed to provide, a front setback of approximately 45 feet will be needed. Additionally, the applicant has informed staff that there is a private Building Restriction Line (BRL) on the property that requires that any structure be set back at least 35 feet from the front property line, creating a conflict with the infill front setback requirement.

The purpose of the infill regulation regarding front setback is to ensure that new houses are setback in a manner that matches the average setback along the street, and to prevent houses from construction closer to the street than the average thereby diminishing the sense of openness on the block, or, conversely, to prevent the new house from being setback too far and looking like a "missing tooth" along the developed street. In this case, the adjacent house located at 730 Timber Branch Drive is setback 34.70 feet from the front property line. The building located at 722 Timber Branch Drive is setback 40.00 feet from the front property line. The existing residence on the subject property at 726 Timber Branch Drive is setback 49.50 feet from the front property line; therefore, applying this infill front setback rule to a new house on Lot 602 may actually not fit the purpose that the infill regulation was trying to address and would force construction of the house closer to the street than the houses on either side. It will also be forward of the 35 foot BRL.

There are two potential means of relief for the applicant to construct a house at a front setback that does not match the prevailing setback. First, section 7-2503(A) of the infill regulations recognizes that compliance with the average setback can be a problem and provides that a special

exception may be granted by the Board of Zoning Appeals (BZA) when the difference is less than 10 percent or 5 feet. The second form of relief, if the difference is greater, as in this case, is by an application for a variance, also to the BZA. In this case, the current measurements appear to show an approximately 15 foot disparity between the average front setback for the entire block face and the desired tree protection area that the staff supports. Therefore, staff has advised the applicant in this case that it will need to seek relief from conflicting regulations by way of a variance from the Board of Zoning Appeals.

The applicant has suggested a third alternative. It argues that the Planning Commission may approve the modified front setback through the subdivision process, presumably with a variation under section 11-1713(A) granted based on the fact that the newly created lot is part of a pair of properties involving pre-1952 lots with existing buildings, and that substantial injustice would result in that the trees would have to be removed, contrary to the applicant's and the city's best planning goals, and that the property owner may be forced to violate a private covenant on the property. Although staff is sympathetic, it finds the rationale problematic and an unusual use of the variation mechanism. Staff is also mindful of the Commission's concerns about the variation procedure and about consistency in its application. Therefore, staff cannot recommend that a variation be granted, but points out the dilemma for the Commission's consideration.

Staff finds that the proposed lots can meet the technical requirements for subdivision and will be in character with the developed neighborhood. Subject to the conditions contained in Section III of this report, staff recommends approval of the subdivision request.

### **III. RECOMMENDED CONDITIONS**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

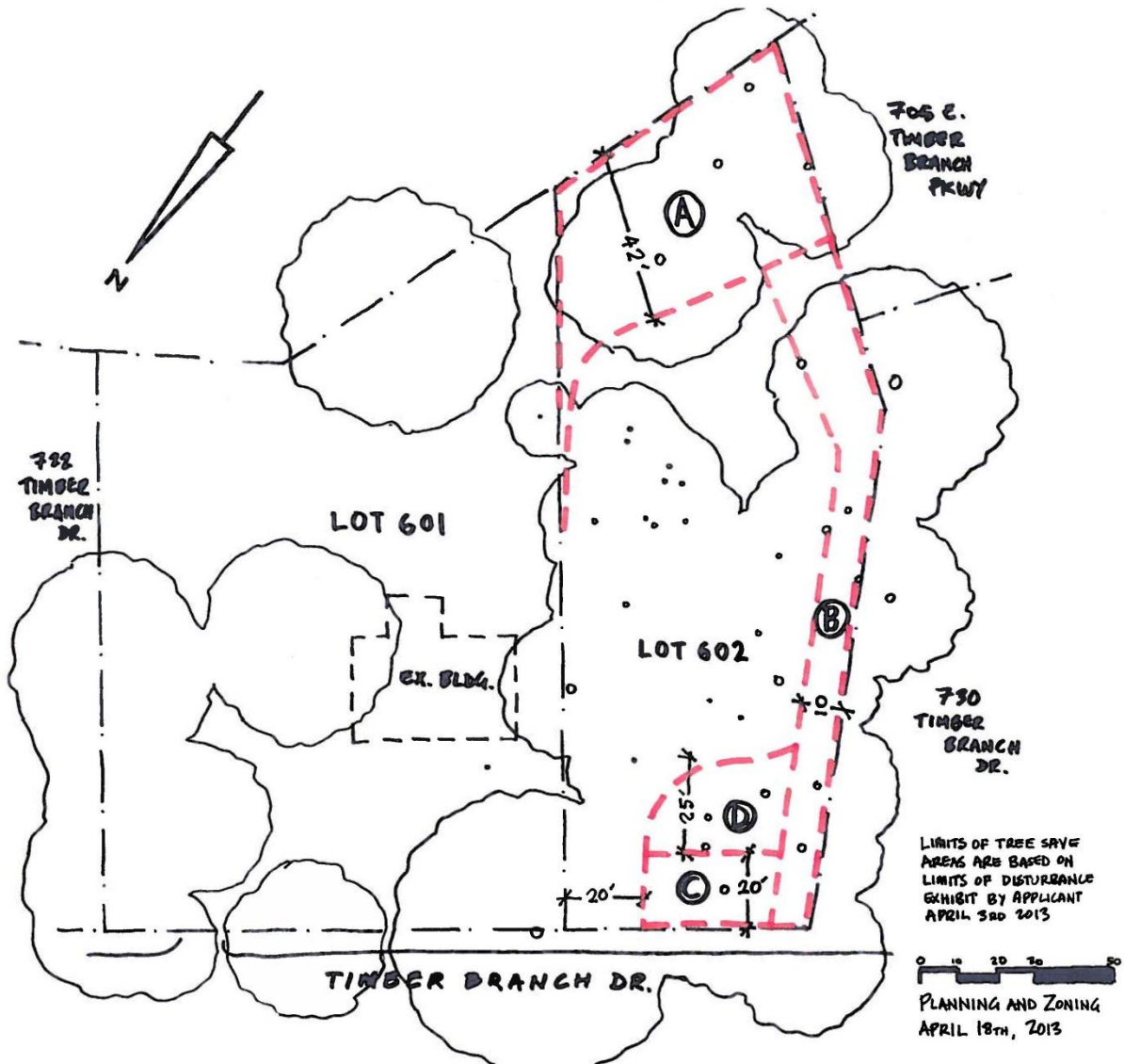
1. The final subdivision plat shall comply with the requirements of Section 11-1709 of the Zoning Ordinance. (P&Z) (T&ES)
2. All new driveway areas on either lot shall be surfaced with a permeable paving system to the satisfaction of the Director of Planning & Zoning. (P&Z)
3. The applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
4. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
5. 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 grading plan. (T&ES)

6. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet on either lot. An erosion and sediment control bond shall be posted prior to release of the grading plan. (T&ES)
7. If any construction on proposed Lots 601 or 602 results in land disturbing activity in excess of 2500 square feet, the applicant is required to comply with the provisions of Article XIII of the City's Zoning Ordinance for stormwater quality control. (T&ES)
8. No disturbance shall be permitted within Areas A, B, C and D for Lot 602 as shown on the exhibit labeled Staff Tree Preservation Area Exhibit, dated April 18, 2013 and attached hereto, except as may be minimally necessary to allow for required utilities to the satisfaction of the Director of Planning and Zoning. If the average front setback under section 7-2503(A) is not waived, then Area D may be disturbed to the minimum extent necessary to the satisfaction of the Director of Planning and Zoning. (P&Z)(T&ES)

STAFF: Joanna Anderson, Acting Deputy Director, Department of Planning and Zoning;  
Stephen Milone, Division Chief, Land Use Services  
Marlo Ford, Urban Planner.

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Staff Note: Approval of this preliminary subdivision plat will expire 18 months from the date of approval (November 7, 2014) unless a final subdivision plat is recorded prior to that date.



### Staff Tree Preservation Area Exhibit

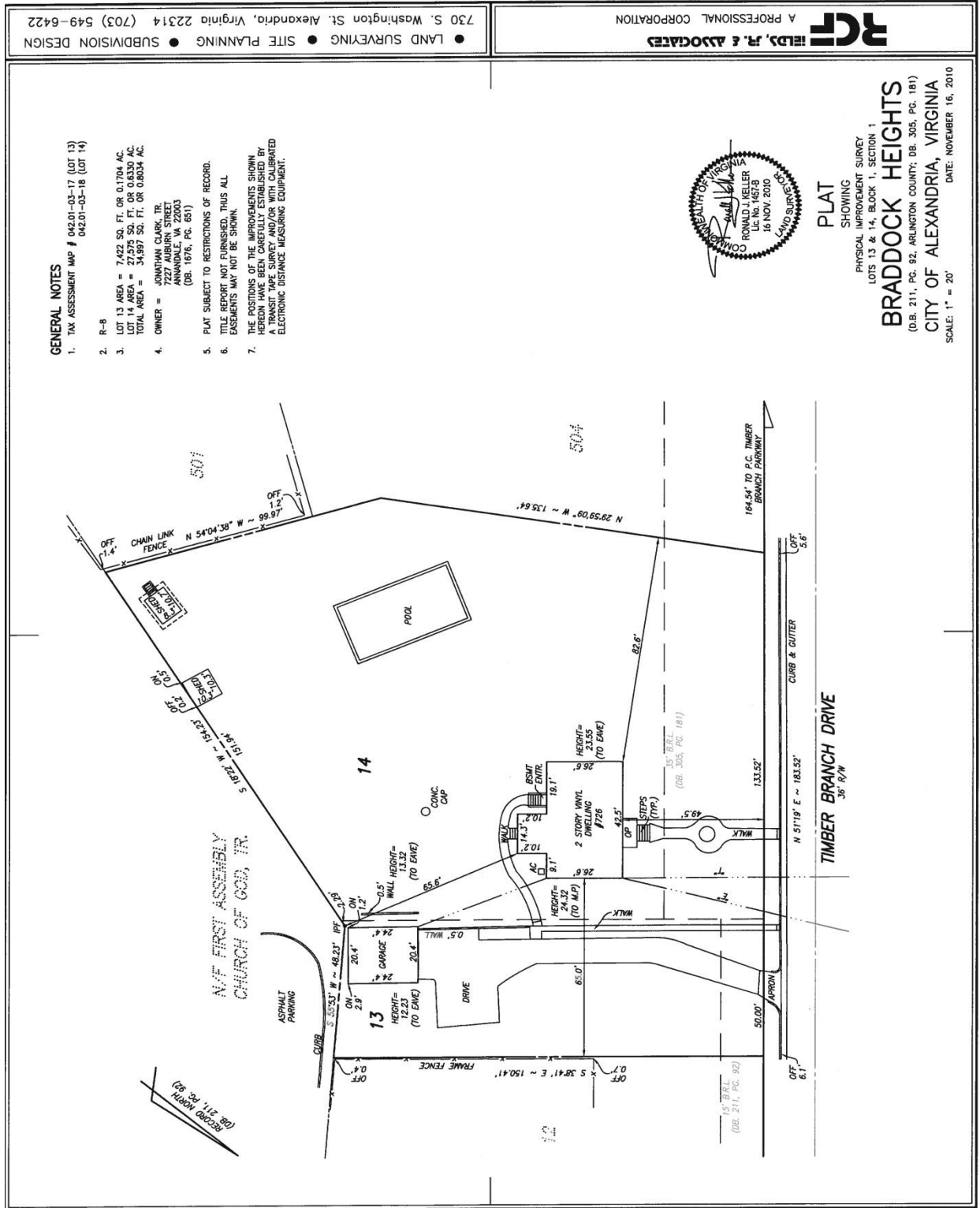
**Area A:** Large trees and woodland block within the rear yard

**Area B:** Steeply sloped woodland block along the western property line measuring not less than ten feet in width.

**Area C:** Woodland block of large oaks and sweetgums. This area shall be preserved regardless of whether the new residence is required to be constructed at the average front setback, or further back.

**Area D:** Woodland block of large oaks and sweetgums. This area would be disturbed if the new residence is required to be constructed at the average front setback.

FILE NO. 10-106  
DRAWN T.G.  
CHECKED R.J.K.  
SHEET 1 OF 1



**GENERAL NOTES**

1. TAX ASSESSMENT MAP # 042.01-03-17 (LOT 13)  
042.01-03-18 (LOT 14)
2. R-8
3. LOT 13 AREA = 7,422 SQ. FT. OR 0.1704 AC.  
LOT 14 AREA = 27,043 SQ. FT. OR 0.6230 AC.  
TOTAL AREA = 34,465 SQ. FT. OR 0.8034 AC.
4. OWNER = KENNETH CLARK, JR.  
7224 HURON STREET  
ANNANDALE, VA 22003  
(DB. 1878, PG. 851)
5. PLAT SUBJECT TO RESTRICTIONS OF RECORD.
6. TITLE REPORT NOT FURNISHED, THUS ALL EASEMENTS MAY NOT BE SHOWN.
7. THE POSITIONS OF THE IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED BY A TRAVELING SURVEY AND/OR WITH CALCULATED ELECTRONIC DISTANCE MEASURING EQUIPMENT.

● LAND SURVEYING ● SITE PLANNING ● SUBDIVISION DESIGN  
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

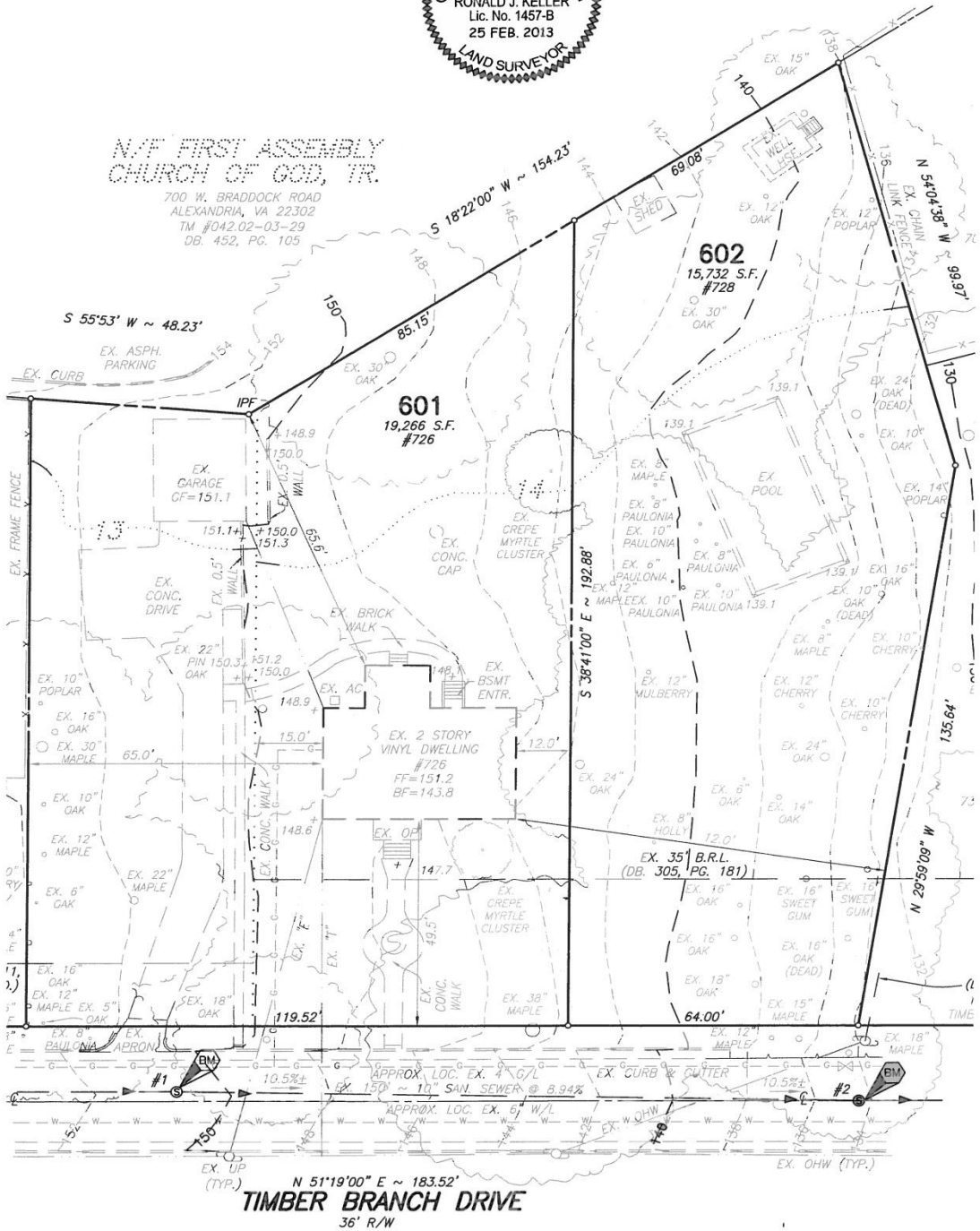
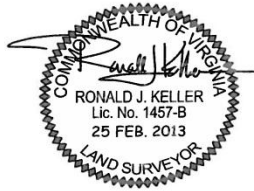
**RFP** ENGINEERS, P.L.L.C. & ASSOCIATES  
A PROFESSIONAL CORPORATION



**PLAT**  
SHOWING  
PHYSICAL IMPROVEMENT SURVEY  
LOTS 13 & 14, BLOCK 1, SECTION 1  
**BRADDOCK HEIGHTS**  
(O.B. 211, PG. 92, ARLINGTON COUNTY; DB. 305, PG. 181)  
CITY OF ALEXANDRIA, VIRGINIA  
DATE: NOVEMBER 16, 2010  
SCALE: 1" = 20'

Existing Lot Configuration





#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- F-1 An offset drawn from the north-west corner of the house to the west property line of the proposed Lot 602 is shown to be 12.0' that might be either a typographical error or some information associated with this offset is missing. With the final plat submission, correct the noted dimension. (Engineering)
- F-2 OEQ is not opposed to this subdivision though suggests that the limits of clearing and grading on lot 602 be amended to preserve the larger oak trees on the site (particularly those above 18 inches). (OEQ)
- F-3 Survey has no comments on the proposed subdivision. (Survey)
- C-1 The subdivision shall comply with the requirements of Article XIII of Alexandria Zoning Ordinance or the relevant Laws of the Commonwealth of Virginia and Regulations of the City of Alexandria applicable at the time of submission of the first final grading plan for storm water quantity control from both the Lots subsequent to the subdivision. (Engineering)

##### Code Enforcement:

- F-1 No comments received.

##### Fire

- F-1 No comments.

##### Historic Alexandria/Archeology:

- R-1 The statements in archaeology conditions below 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 Sheeting and Shoring) so that on-site contractors are aware of the requirements:
- R-2 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—particularly pieces of worked quartz, quartzite, or Indian

pottery—are discovered during ground disturbing activities. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

- R-3 The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- C-1 All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.
- F-1 The dwelling at 726 Timber Branch appears to have been one of the first houses built on the street. The building is depicted on a 1927 aerial photograph of the area. Because of the property's proximity to Timber Branch, the possibility is good that archaeological evidence of temporary prehistoric camps—manifested by concentrations of stone tools and prehistoric pottery shards—is present on the lots. Prehistoric artifacts have been found nearby along the drainage. Therefore, a measure of caution is warranted when clearing occurs on the property.

Real Estate:

- F-1 No comments.

Health Department:

- F-1 No comments received.

RP&CA:

- F-1 No comments received.

Police Department:

- F-1 No objections.









**APPLICATION**

**SUBDIVISION OF PROPERTY**

**SUB #** 2013-0002

**PROPERTY LOCATION:** 724 & 726 Timber Branch Drive  
**TAX MAP REFERENCE:** 042.01-03-17 and 042.01-03-18 **ZONE:** R8

**APPLICANT:**

Name: DuMor Properties LLC  
Address: Post Office Box 30113, Alexandria, VA 22310

**PROPERTY OWNER:**

Name: Jonathan Clark, Trustee  
Address: 7227 Auburn Street, Annandale, VA 22310

**SUBDIVISION DESCRIPTION**

Request for approval of plat of subdivision to divide Lots 13 and 14

**THE UNDERSIGNED** hereby applies for Subdivision in accordance with the provisions of Section 11-700 of the Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Stephen L. Morris, Managing Member  
Print Name of Applicant or Agent  
4657 Neely Ann Court  
Mailing/Street Address  
Alexandria, VA 22310  
City and State Zip Code

*Stephen L. Morris*  
Signature  
703-362-9016 703-921-0007  
Telephone # Fax #  
slmorrissr@verizon.net  
Email address  
February 25, 2013  
Date

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**  
Application Received: \_\_\_\_\_ Fee Paid and Date: \_\_\_\_\_  
ACTION - PLANNING COMMISSION: \_\_\_\_\_

**ALL APPLICANTS MUST COMPLETE THIS FORM.**

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

**1. The applicant is: (check one)**

- the Owner     Contract Purchaser     Lessee or     Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Stephen L. Morris, 4657 Neely Ann Court, Alexandria, VA 22310 (66.7% ownership)

Donna Morris Duvall, 5811 Westchester Street, Alexandria, VA 22310 (33.3% ownership)

If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes.** Provide proof of current City business license.
- No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

**OWNERSHIP AND DISCLOSURE STATEMENT** SUB 2013-0002  
Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Stephen L. Morris	4657 Neely Ann Ct., Alexandria, VA 22310	66.7%
2. Donna Morris Duvall	5811 Westchester St., Alexandria, VA 22310	33.3%
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 724 & 726 Timber Branch Drive (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. See Attached Insert 1		
2.		
3.		

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Stephen L. Morris	None	None
2. Donna M. Duvall	None	None
3. See Insert 2		

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

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

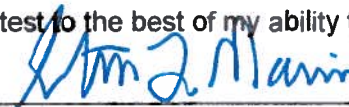
2/25/2013

Stephen L. Morris, Managing Member

Date

Printed Name

Signature



1/20

**Attachment to Ownership and  
Disclosure Statement (Page 4a of  
Application Subdivision of Property)  
724 and 726 Timber Branch Drive**

*SUB 2013-0002*

**Insert 1 to Section 2 (name and ownership percentage)**

<b>Name</b>	<b>Address</b>	<b>% Ownership</b>
Jonathan Clark	7227 Auburn Street Annandale, VA 22003	16.7
Carolyn Clark	7227 Auburn Street Annandale, VA 22003	16.7
Robin Clark	11661 Sunset Loop NE Bainbridge Island, WA 98110	16.7
Angela Clark	11661 Sunset Loop NC Bainbridge Island, WA 98110	16.7
Kevin Clark	126 Warner Street Belchertown, Mass 01007	16.7
Leah Hewitt	126 Warner Street Belchertown, Mass 01007	16.7

**Insert 2 to Section 3 (business and financial relationships for each person listed in Section 2)**

<b>Name</b>	<b>Relationship as Defined by Section 11-350 of the Zoning Ordinance</b>	<b>Member of the Approving Body (i.e., City Council, Planning Commission, etc.)</b>
Jonathan Clark	None	None
Carolyn Clark	None	None
Robin Clark	None	None
Angela Clark	None	None
Kevin Clark	None	None
Leah Hewitt	None	None

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

2/24/13  
Date

Jonathan Clark, Trustee  
Printed Name

*Jonathan Clark Trustee*  
Signature

Subdivision # 2013-0002

**WAIVER OF RIGHT TO AUTOMATIC APPROVAL**

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

**PROJECT NAME:** Subdivision of 724 & 726 Timber Branch Drive

**PROJECT ADDRESS:** 724 & 726 Timber Branch Drive

**DESCRIPTION OF REQUEST:**

Approval of plat of subdivision to divide lots 13 and 14

**THE UNDERSIGNED** hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above, *provided that the waiver shall not extend beyond May 7, 2013.*

Date: 2/25/2013

Applicant

Agent

Signature: \_\_\_\_\_

*Stephen L. Morris*

Printed Name: Stephen L. Morris, Managing Member

## Subdivision Application

The Planning Commission may, as part of the approval of a plat of subdivision, grant variations from the strict application of the zoning regulations governing the property and/or buildings on the property to be subdivided pursuant to §11-1700 et seq. of the Alexandria Zoning Ordinance, 1992, as amended (the "Ordinance"). The variation procedure is included in the Ordinance to prevent the property owner from suffering a substantial injustice the result of the strict application of the zoning regulations. In this application, there are one existing structure on the property a free standing garage (the "Building") that is classified as a Noncomplying Structure as defined in §12-102 of the Ordinance. In order for the plat of subdivision to be approved and for the Building to be permitted to be maintained on the property, the variation discussed in detail below needs to be granted as part of the Planning Commission action. The lots and building qualify for a variation under §11-1700 et seq., based on to the fact: (i) that both lots were in subdivisions of record as of January 1, 1953 (see attached plats of record) and (ii) that the proposed lots designated lots 601 and 602 on the plat of subdivision are substantially of the same character as to suitability for residential use as structures, lot areas, orientation, street frontage, alignment to streets as other land within the original subdivision of Section One Braddock Heights, and subsequent resubdivisions of the land designated "Undeveloped Area" on the original subdivision plat.

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

The Applicant is requesting a variation be granted to permit the continuation of the existing noncomplying structure status of the Building that does not comply with the R8 zone regulation's 16' required rear yard setback.

The strict adherence of the requirements of §11-1712 (3) of the Ordinance in this instance would result in a substantial injustice to the property owner by precluding the subdivision of the property into two lots that meet or exceed all applicable zoning regulations. The discontinuance of the noncomplying status of the Building would not advance a significant public benefit. The unreasonable burden on the development, use and enjoyment of the property by the owner outweighs the material land use or land development purposes served by eliminating the noncomplying structure status of the buildings. For the reasons stated, variation should be granted to permit the Buildings to remain on the property as lawful noncomplying structure.

TIMBER BRANCH DRIVE		Front Setback Data									
Address #	Setback From Face of Curb	Address #	Setback From Face of Curb							* = WEST BRADDOCK ROAD ADDRESS	
712*	20.6	718	25.5								
706	33.1	720	33.0								
708	33.4	722	44.4								
710	26.7	726	53.9								
712	24.0	730	39.1								
716	34.3	732	35.8								
			<b>AVERAGE = 33.7</b>								
<b>Building &amp; Threshold Height Data</b>											
A	B	C	D	E	F	G	H	I			
<b>TIMBER BRANCH DRIVE</b>											
Address #	Ground Elevation	1st Floor Threshold Elevation	Bottom of Roof Elevation	Top of Roof Elevation	(C-B) Distance Ground to 1st Floor	(D-B) Distance Ground to Bottom of Roof	(E-B) Distance Ground to Top of Roof	(G+H)/2			
712*	157.5	160.3	178.6	190.8	2.8	21.1	33.3	27.2			
706	158.4	163.6	180.9	191.3	5.2	22.5	32.9	27.7			
708	159.7	163.9	180.4	190.0	4.2	20.7	30.3	25.5			
710	160.8	164.1	182.7	188.4	3.3	21.9	27.6	24.8			
712	160.7	164.0	172.3	183.6	3.3	11.6	22.9	17.3			
716	159.5	163.5	172.0	185.1	4.0	12.5	25.6	19.1			
718	158.7	161.9	169.4	180.1	3.2	10.7	21.4	16.1			
720	157.2	159.9	176.6	185.6	2.7	19.4	28.4	23.9			
722	155.2	159.3	167.2	180.5	4.1	12.0	25.3	18.7			
726	146.1	151.2	169.0	177.7	5.1	22.9	31.6	27.3			
730	126.9	128.6	144.9	152.5	1.7	18.0	25.6	21.8			
732	117.2	121.8	129.7	143.7	4.6	12.5	26.5	19.5			
<b>AVERAGE</b>	<b>151.5</b>	<b>155.2</b>	<b>168.6</b>	<b>179.1</b>	<b>3.7</b>	<b>17.2</b>	<b>27.6</b>	<b>22.4</b>			
					x1.2 =			x1.2 =			
					<b>4.4</b>			<b>26.9</b>			

North Ridge Citizens' Association  
P.O. Box 3242  
Alexandria, Virginia 22301



April 15, 2013

Alexandria Planning Commission  
301 King Street, Room 2100  
Alexandria, Virginia 22314

**Re: SUB2013-00002 724 & 726 Timber Branch Drive**

Dear Members of the Commission:

The North Ridge Citizens' Association is pleased to advise the Commission that it does not object to the above-referenced re-subdivision application, to be acted upon at the Commission's May 7, 2013 public hearing.

The applicant's attorney, Mr. Duncan Blair, attended the Association's meeting of April 8, 2013, and described both the plans for a new home added to Timber Branch Drive and the efforts that would be made by the applicant to preserve significant trees on the affected property.

Mr. Blair provided the Commission's copies of the plats under consideration, including a one showing a reduction in the proposed area of clearing for a home on one of the proposed new lots.

Following Mr. Blair's presentation, the Board voted unanimously not to object to the application and so advise the Commission. We are also confident that the Staff will recommend appropriate conditions of approval that will preserve and protect the immediate Timber Branch neighborhood.

Sincerely,

Kenneth L. Hill, President  
703.683.0208

cc: Mr. Dave Brown  
Mr. Duncan Blair

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