

Docket Item # 2
BZA #2021-00014
Board of Zoning Appeals
December 13, 2021

ADDRESS: 323 N HENRY STREET
ZONE: CL/COMMERCIAL LOW
APPLICANT: AZIZUL CHOUDHURY

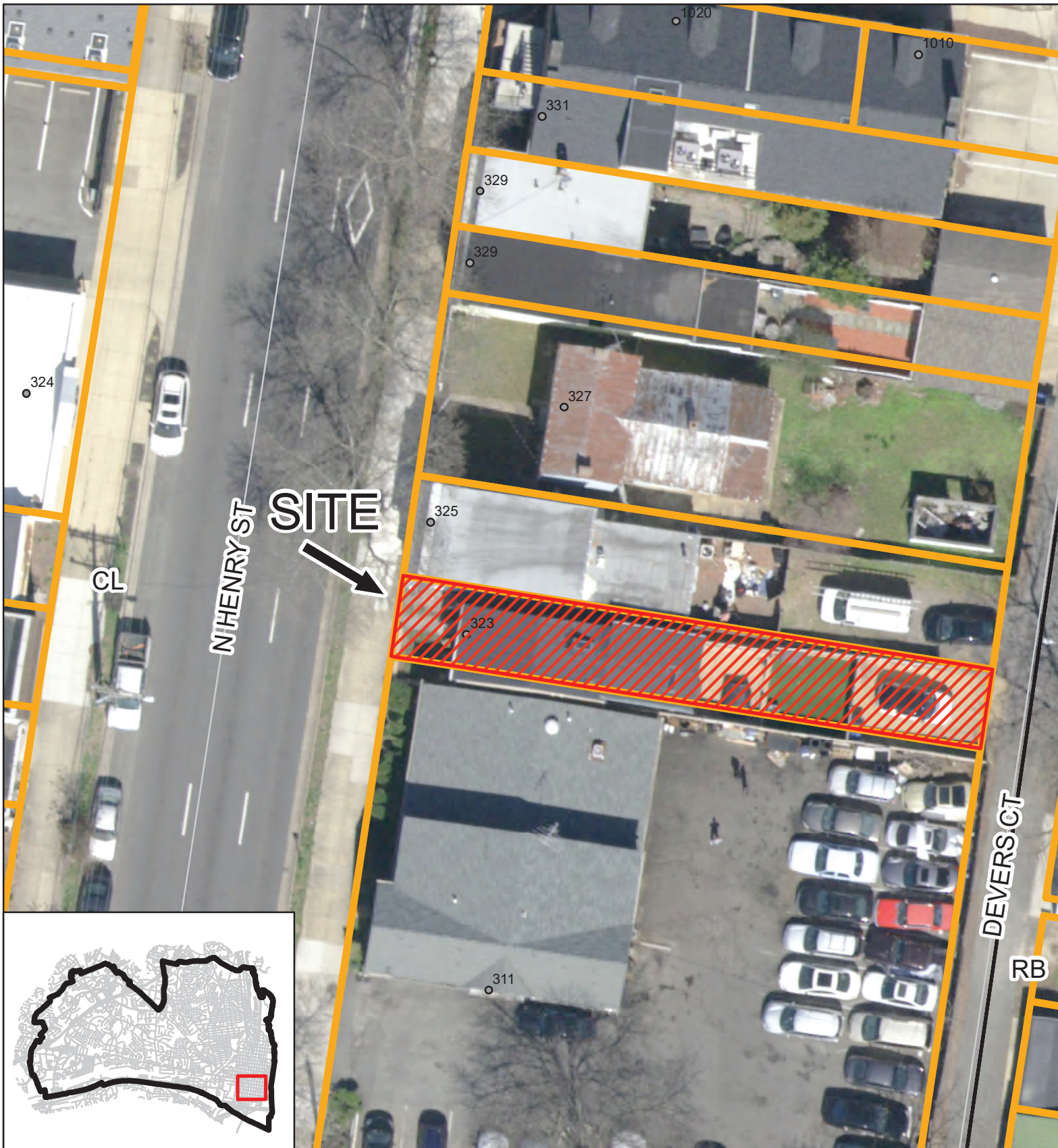
ISSUE: A request for variances from the required side yard setbacks to construct an addition.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-105(A)(2)(a)	North Side Yard	8.00 feet*	1.00 foot	7.00 feet
	South Side Yard	8.00 feet*	2.00 feet	6.00 feet

**Based on a height of 8.50 feet as measured from the average finished grade to the height of the midpoint of the roof facing the side yard.*

Staff **recommends approval** of the request because it meets the variance definition and standards.

If the Board grants the requested variance, the applicant must comply with all requirements of this report's department comments. The applicant must also submit a survey plat prepared by a licensed surveyor confirming building footprint and setbacks prior to all final inspections. The variance must be recorded with the property's deed in the City's Land Records Office prior to the release of the building permit.



BZA #2021-00014
323 N Henry Street



I. Issue

The applicant proposes to construct a 55 square foot one-story addition to the rear of an existing residential single-family dwelling in the CL zone, which requires variances from both side yard setbacks.

II. Background

The subject property is one lot of record with 14.00 feet of lot frontage and width and 115.91 feet of lot depth. The property contains 1,623 square feet of lot area and is developed with a two-story single-family dwelling. The existing lot and building do not comply with the CL zone regulations for residential uses.



Figure 1: Subject Property

The property was developed as a residence prior to the City's first zoning ordinance. The dwelling appears on the 1891 Sanborn maps as developed as one-half of a semi-detached dwelling. The dwelling has been used as a residence since this date. The subject property

is located in the Old and Historic Alexandria District and is regulated by the Board of Architectural Review.

III. Description

The applicant proposes to construct a one-story 55 square foot addition, measuring 11.00 feet by 5.00 feet and 8.50 feet in height to the rear of the existing building in the required north and south side yards. The addition would be in compliance with maximum FAR requirements, height requirements, and the rear setback. The applicant is also proposing to reduce the size of the driveway to meet minimum open space requirements. Residential uses that are detached single family dwellings in the CL zone require two 8.00 foot side yards. Since the lot width of the property is only 14.00 feet, the proposed addition will be located 1.00 foot from the north side property line and 2.00 feet from the south side yard, requiring variances of 7.00 feet and 6.00 feet, respectively, from both side yard requirements.

Table 1. Zoning Table

CL Zone	Required/Permitted	Existing	Proposed Addition
Lot Area	5,000 Sq. Ft.	1,623 Sq. Ft.	1,623 Sq. Ft.
Lot Width/Frontage	50.00 Ft.	14.00 Ft.	14.00 Ft.
Front Yard	20.00 Ft.	11.90 Ft.	11.90 Ft.
Side Yard (north)	8.00 Ft.* (1:3, minimum 8 feet)	0.00 Ft.	1.00 Ft.
Side Yard (south)	8.00 Ft.* (1:3, minimum 8 feet)	0.00 Ft.	2.00 Ft.
Rear Yard	1:1, minimum 8.00 feet	59.00 Ft.	54.00 Ft.
Height	35.00 Ft.	16.35 Ft.	8.50 Ft.
Open Space	649.20 Sq. Ft. (40%)	627.80 Sq. Ft. (39%)	663.60 Sq. Ft. (40.89%)**
Floor Area Ratio	Maximum 1,217.25 Sq. Ft. (0.75)	965.75 Sq. Ft. (0.60)	1,020.75 Sq. Ft. (0.63)
Parking	2 spaces	1 space	1 space

*Based on a height of 8.50 as measured from the average existing grade to the top of the eave from the side property lines.

**663.60 sq. ft requires reducing the gravel area at the rear of the property.

IV. Noncomplying Structure

The existing dwelling is a noncomplying structure with regard to the following:

	<u>Required/Permitted</u>	<u>Provided</u>	<u>Noncompliance</u>
Lot Area	5,000 Sq. Ft.	1,623 Sq. Ft.	3,377 Sq. Ft.
Lot Frontage	50.00 Ft.	14.00 Ft.	36.00 Ft.
Side Yard (North)	8.00 Ft.	0.00 Ft.	8.00 Ft.
Side Yard (South)	8.00 Ft.	0.00 Ft.	8.00 Ft.
Open Space	649.20 Sq. Ft. (40%)	627.80 Sq. Ft. (39%)	21.40Sq. Ft

V. Master Plan/Zoning

In 1951, the subject property was zoned I-1, Industrial and on June 24, 1992, the property was rezoned to CL, Commercial Low. The property is located in the Braddock Road Metro Station Small Area Plan, which identifies the property for low density commercial land use.

VI. Requested Variance:

Side Yard 4-106(A)(2)(a)

Zoning Ordinance section 4-106(A)(2)(a) requires side yard setbacks of 1:3 ratio with a minimum of 8.00 feet for a single family detached dwelling in the CL zone. Based on the proposed addition height of 8.50 feet measured from the average finished grade to the midpoint of the roof facing the side yard, the addition would be required to provide two 8.00 foot side yard setbacks. The applicant requests variances of 7.00 and 6.00 feet from the north and south side yard setbacks, respectively, to allow for 1.00 and 2.00 foot side yard setbacks.

VII. Applicants Justification for Variance

The applicant justifies the variance because an 8.00 foot setback is impossible to achieve on a 14.00 foot wide lot. Additionally, the rear kitchen becomes damp during inclement weather and an addition would protect the interior of the dwelling. The applicant also has safety concerns about entering and exiting the dwelling on South Henry Street and believes the rear addition provides a safer entrance.

VIII. Analysis of Variance Definition

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

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

The request is a reasonable deviation from the provisions of the CL zone of the Zoning Ordinance because of the existing conditions of the lot. The minimum side yard setback requirement prevents any residential construction on the narrow 14.00-foot wide lot and does not reflect the historic development character of this neighborhood. The lot and residential use have existed since before 1891, and the modest addition will comply with floor area and open space requirements for the CL zone.

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

Strict application of the CL zone's side yard setback requirements would unreasonably restrict the subject property by creating no buildable area on the lot.

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

While the restrictive 8.00 foot side yard setbacks do apply to other detached single-family dwellings in the CL zone, most lots as narrow as this lot are developed with attached or semi-detached dwellings, which have smaller side yard requirements. The narrowness of this lot prevents the construction of an addition of any size. The side yard setbacks for residences in CL zone do not reflect the existing historic development pattern found through the CL zone and therefore anyone wishing to construct additions to dwellings that do not currently meet the minimum side yard setback would have to request a variance.

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

The requested variances are not contrary to the purpose of the ordinance as they allow an existing residential use to construct a modest addition in compliance with floor area and open space requirements that is consistent with the historic development patterns of the neighborhood.

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

The variances do not change the use. The property would continue to be used as a residence.

IX. Analysis of Variance Standards

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

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

Strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property as two 8.00 foot side yard setbacks creates no buildable area on the lot.

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

The dwelling first appears on the Sanborn maps in 1891 and is noncomplying with current side yard setbacks and the lot area, width and frontage requirements for a detached single-family dwelling in the CL zone. The current property owners acquired the lot in good faith and did not create any hardship resulting in the need for variances.

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

Granting the variances would not be detrimental to the adjacent properties. The variances would allow a small one-story addition that meets all other zoning requirements and would be consistent with the historic development pattern of this block.

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

While the restrictive 8.00 foot side yards setbacks of the CL zone apply to all detached dwellings in the CL zone, this lot is so narrow that the required setbacks result in a lot with no buildable area. Many other lots of a similar size and width are developed with attached or semi-detached dwellings.

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

The request for variances would not result in a use that is not permitted, as single-family residential is a permitted use in the CL zone.

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

Relief from side yard setbacks requires a variance and there is no other process that would allow the proposed construction.

X. Staff Conclusion

As outlined above, staff **recommends approval** of the requested variances as they meet all the standards and criteria as outlined within the Zoning Ordinance. If the Board decides to approve the requested variances, the approval would be subject to compliance with all applicable code requirements, ordinances and recommended conditions found in the departmental comments of this report.

Staff

Rachel Drescher, Urban Planner, rachel.drescher@alexandriava.gov

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

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

DEPARTMENTAL COMMENTS

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

- * The applicant is advised that if the special exception and/or variance is/are approved the following additional comments apply.

Transportation and Environmental Services:

RECOMMENDATIONS:

- 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)

FINDINGS:

- F-1 The applicant should provide a determination of disturbed area per City Guidelines to T&ES prior to submitting for permits. If the land disturbance meets or exceeds 2500 square feet, a released grading plan will be required prior to submitting for permits. (T&ES)
- F-2 If the alley located at the rear of the parcel is to be used at any point of the construction process the following will be required:
For a Public Alley - The applicant shall contact T&ES, Construction Permitting & Inspections at (703) 746-4035 to discuss any permits and accommodation requirements that will be required.
For a Private Alley - The applicant must provide proof, in the form of an affidavit at a minimum, from owner of the alley granting permission of use. (T&ES)

CODE REQUIREMENTS

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Roof, surface and sub-surface drains 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 and plan review are required prior to the start of construction.

Recreation (City Arborist):

No comments

Historic Alexandria (Archaeology):

No archaeology oversight will be necessary for this undertaking.

Historic Preservation (P&Z):

Project will require BAR review and approval.



APPLICATION BOARD OF ZONING APPEALS

VARIANCE

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

Zoning Ordinance section 4-106(A)(2)(a), Side yard setback in CL zone for residential uses.

PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name _____AZIZUL CHOUDHURY_____

Address _____323 N HENRY ST. ALEXANDRIA, VA 22314_____

Daytime Phone _____571-594-8859_____

Email Address _____azizul.choudhury@gmail.com_____

2. Property Location _____323 N HENRY ST. ALEXANDRIA, VA 22314_____

3. Assessment Map # _064.01_ Block _14_ Lot _22_ Zone _____

4. Legal Property Owner Name ____AZIZUL & SANJIDA CHOUDHURY_____

Address ____323 N HENRY ST. ALEXANDRIA, VA 22314_____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Azizul Choudhury	323 N Henry St. Alexandria, VA 22314	50%
2. Sanjida Choudhury	323 N Henry St. Alexandria, VA 22314	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 323 N Henry St, Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Azizul Choudhury	323 N Henry St. Alexandria, VA 22314	50%
2. Sanjida Choudhury	323 N Henry St. Alexandria, VA 22314	50%
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 ([OHAD](#) and [Parker-Gray](#)). **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate 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.		
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.

5. Describe request briefly:

Seeking a setback variance on a 14ft wide property, to accommodate the build of a rear, 55 sq-ft buffer room to alleviate wet weather run off and allow for safer egress to the alley with upcoming infant.

6. If property owner or applicant is being represented by an authorized agent,

such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

☐ Yes — Provide proof of current City business license.

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

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

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

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

Printed Name: Azizul Choudhury

Date: 10/21/2021

Signature: 

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

PART B

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please **attach** additional pages where necessary.)

1. Please answer A or B:

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

In our particular scenario, the location of the home and the size of the lot creates a unique hardship and unreasonably restricts the utilization of the property. The front door leads directly onto N Henry St, aka Route 1. Due to the heavy vehicular traffic, we typically use the rear door when going for walks, running local errands by foot, or even walking to work (one of us works in Carlyle). Decreased car use was one of the allures of living in Old Town. With an upcoming child (hopefully in March), we feel it's safer to utilize the rear door primarily. Unfortunately the rear door is located directly in the kitchen. This creates a two-fold hardship and an unreasonable restriction.

1) A first hardship involves safety. Entering and exiting through the front door is less safe due to the amount of vehicle traffic, especially when walking with children. Currently, there is no place for taking off shoes and jackets, particularly when there is inclement weather. When our child does arrive, further complications are introduced since there is barely any space to setup a stroller during times of inclement weather in the kitchen area. Again we don't feel safe using the front door, in the living room, with a child, in front of route 1 traffic. A reasonable deviation would help us continue to walk around the city with our new child, without concern of fast moving vehicular traffic.

2) A second hardship involves protecting the historic property during inclement weather. Currently during hard rains, the kitchen tends to get damp since there is a rear door directly in the kitchen. A reasonable deviation would aid in creating a small room that would serve as a buffer to the outside elements.

3) Finally this leads us to the unreasonable restriction. The lot is only 14 ft wide. Ideally there would be 8 ft distance between each side of the property line (16 ft total). However, this ideal setback is impossible to achieve in this lot. A setback variance is therefore being kindly requested.

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

2. Is this unreasonable restriction or hardship unique to the property?

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

Some of the homes off Patrick (Rt 1 towards Arlington) and Henry St (Rt 1 towards Fairfax Co) have larger plots of land with larger homes. These larger homes may afford the users more space to enter and leave via the rear of the house into Devers Ct. In addition, some of these larger plots of land afford their owners the ability to build out without the need for a variance.

In addition, some of the homes off Patrick and Henry St are built at a slightly higher elevation (just based on seeing that the homes have a *step-up* into the front door). As such they may not face a similar rain/snow runoff problem.

Our situation is unique from many of the homes. Any enclosed structure would be impossible to build without a setback variance since the lot itself is only 14' wide. There is no way to afford the required of space between a structure and the side property lines. This house on 323 N Henry St. has had an extension performed at some point in time. It is clear that if such a side space requirement existed at that time, a variance was afforded then as well.

As stated above, the route 1 traffic in front of the house makes walking with children dangerous. We'd like to use the rear door but during inclement weather, it would help greatly to have a buffer room.

Additionally, there is currently almost no buffer between the rear door and the outside elements since the rear door leads directly into the kitchen. Furthermore, the users have to step *down* into the kitchen since the home is below the outside ground level. Due to this *below grade* build, any snow/water accumulation *falls* into the kitchen. The build of this proposed buffer room would alleviate this moisture issue by being located between the outside elements and the kitchen.

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

We're not quite certain of what the other homes' situations are since they are fenced in. We would assume many face similar challenges with regards to lot widths.

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

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

The 14' width of the lot did exist before we purchased. In addition, the elevation drop into the kitchen from the outside also did exist at the time of purchase.

However at the time of purchase there was a 3 month wait to perform a survey. As such, we did not know the property lines, we assumed some of the 45" wide side alley spaces were part of our lot but this was not the case. In addition, we did not know about the setback rules.

Only after living in the home have we realized the water run-off issue into the kitchen. And finally we were not pregnant at the time and safety from the front door was not a paramount concern.

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

Correct. Please see 3A for details

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

After my wife became pregnant, we realized we had to primarily use the rear kitchen door for safely going out with kids. We then explored what it would take to build a buffer room and realized we needed a survey. After the survey was done did we realize how 8' could not be afforded on each side of the property line.

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

Not that we're aware of. We were not needing to build this buffer room for safety if it was just the two of us adults. We suspect the water run-off issue may have been an existing issue since the floors have been recently replaced prior to our purchase.

4. Will the variance, if granted, be harmful to others?

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

We have no intention of creating a detriment to our neighbors. We intentionally kept the proposed room's footprint small (at about 55 sqft). We also do not believe it will be very visible since it is only on the first floor, towards an alley, and mostly obscured by fencing. Finally the siding and colors are to remain true to the character of the home.

Also one side of our home is an auto repair shop and the other side is a closet store. Both adjacent neighbors are retail spaces, not residential.

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

No

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

No

PART C

- 1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

No. Again the lot is only 14' wide. Building any structure would seem to require a setback variance to afford 8' of spacing from each side of the property line.

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

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

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

The example illustrates a detailed description:

"Variance to construct a two-story addition in the required side yards on _____ Street."

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

SETBACK VARIANCE REQUEST

Azizul & Sanjida Choudhury
323 N. Henry St.
Alexandria, VA 22314

FAR Requirements

Total Lot Size - 1,623 sqft
FAR allowed by CL zone = 0.75
Max Allowable Floor Area = $(1623 \times 0.75) = 1,217.25 \text{ sqft}$

Existing Gross Floor Area = 1,195 sqft
Existing Floor Area minus Exclusions = **965.75 sqft**

Based on calculations, the FAR requirements are met.

Open Space Requirement

Open space requirement can be met by shortening gravel parking lot.

Current Open Space
Front Yard = $14' \times 11.9' = 166.6 \text{ sqft}$
Back Yard = $14' \times 32' = 448 \text{ sqft}$
Gravel Lot = $14' \times 27' = 378 \text{ sqft}$

Required Open Space
 $(1623 \text{ sqft lot}) \times (0.4 \text{ open space requirement}) = 649.2 \text{ sqft}$

Proposed Open Space
Shortened Gravel Lot = $14' \times 18.5' = 259 \text{ sqft}$
Revised Back Yard Open Space = $14' \times 40.5' = 567 \text{ sqft}$
New Revised Open Space = $567 \text{ sqft} + 166.6 \text{ sqft} = 733.6 \text{ sqft}$

Actual Proposed Addition Footprint = $(11' \text{ width} \times 5' \text{ depth}) = 55 \text{ sqft}$
*Proposed Addition Footprint being used in calculations = **70 sqft**
(Due to lot being only 14', the entire 14' width x 5' depth is being used in calculations).

Proposed Revised Open Space = $733.6 \text{ sqft} - 70 \text{ sqft} = 663.6 \text{ sqft}$

With simple reallocation of parking to open space, the open space requirement can be met.

SETBACK VARIANCE NEEDED

Despite being able to meet FAR and Open Space requirements (albeit with simple reduction of gravel lot parking), due to the nature of the lot being only 14' wide, the setback requirement cannot be met. A setback variance is therefore being requested since, the 8' side setback cannot be met under any condition.

The criteria for a variance, based on 11-1103 standards for variances, are listed below in below with our good faith rationales provided below in *blue italics*.

The board of zoning appeals shall not vary the regulations of this ordinance as authorized above unless it finds that:

(A) It meets the definition of a variance as defined in section 2-201.1;

2-201.1 cites the following:

A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would **unreasonably restrict the utilization of the property**, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

In our particular scenario, the location of the home and the size of the lot creates a unique hardship and unreasonably restricts the utilization of the property. The front door leads directly onto N Henry St, aka Route 1. Due to the heavy vehicular traffic, we typically use the rear door when going for walks, running local errands by foot, or even walking to work (one of us works in Carlyle). Decreased car use was one of the allures of living in Old Town. With an upcoming child (hopefully in March), we feel it's safer to utilize the rear door primarily. Unfortunately the rear door is located directly in the kitchen. The layout of the house with respect to the land also creates environmental challenges. The kitchen is 6 inches below the outside rear of the house. That is, when entering the house from the rear, people step down into the kitchen, 6 inches. This drop creates a moisture problem since water (and we foresee snow/ice) fall into the kitchen floor, potentially damaging the historic property. This creates a two-fold hardship and an unreasonable restriction.

- 1) A first hardship involves safety. Entering and exiting through the front door is less safe due to the amount of vehicle traffic, especially when walking with children. Currently, there is no place for taking off shoes and jackets, particularly when there is inclement weather. When our child does arrive, further complications are introduced since there is barely any space to setup a stroller during times of inclement weather in the kitchen area. Again we don't feel safe using the front door, in the living room, with a child, in front of route 1 traffic. A reasonable deviation would help us continue to walk around the city with our new child, without concern of fast moving vehicular traffic.*
- 2) A second hardship involves protecting the historic property during inclement weather. Currently during hard rains, the kitchen tends to get damp since there is a rear door directly in the kitchen. A reasonable deviation would aid in creating a small room that would serve as a buffer to the outside elements.*
- 3) Finally this leads us to the unreasonable restriction. The lot is only 14 ft wide. Ideally there would be 8 ft distance between each side of the property line (16 ft total).*

However, this ideal setback is impossible to achieve in this lot. A setback variance is therefore being kindly requested.

(B) The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability;

With the upcoming arrival of our child, we fear the route 1 traffic in front of our door to be dangerous for children. As such we wish to primarily utilize the rear door when making family outings. Without a setback variance, ingress/egress to the house by foot from the rear during inclement weather becomes troublesome.

In addition, without the buffer room, inclement weather will deteriorate the rear interior of the historic property. Creation of this buffer room will alleviate moisture runoff currently being experienced during wet (and we foresee snowy) weather.

As stated above, the lot's 14' width makes a setback variance all but necessary should any structure be added.

(C) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

At the time of purchase, we were not pregnant. Neither were we aware of the zoning requirements. In addition, we were not fully aware the lot was restricted to 14' in width since attaining a survey was taking months (time we didn't have when making a bid for a house). We were also under the false presumption that some of the alley spaces were part of the property (we were of course wrong).

The challenges/hardships listed (i.e. safe space to prepare for walks and to create an environmental buffer) evolved after living in the neighborhood, realizing the lot size, realizing the pregnancy, and realizing the safety needs.

(D) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

We had the good fortune of meeting quite a few of our neighbors when we were invited to a neighborhood outdoor bbq over the summer. We soon learned we moved to the right place after feeling welcomed amongst the diverse group. We have no intention of creating a detriment to our neighbors. We intentionally kept the proposed room's footprint small (at about 55 sqft). We also do not believe it will be very visible since it is only on the first floor, towards an alley, and mostly obscured by fencing. Finally the siding and colors are to remain true to the character of the home.

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

As stated above, entering and exiting through the front door is less safe due to the vehicle traffic, especially when walking with our upcoming child. Currently, there is no place for taking

off shoes and jackets, particularly when there is inclement weather in the kitchen, where the rear door is located. When our child does arrive, further complications are introduced since there is barely any space to setup a stroller during times of inclement weather in the kitchen area. Again we don't feel safe using the front door with a child, in front of route 1 traffic. A setback variance would help us continue to walk around the city with our new child, without worrying of fast moving vehicular traffic.

Only homes off Henry, Patrick, and Washington face heavy vehicular traffic. Most of Old Town has the fortune of being off slow, two-lane, more residential-like streets. That is most homes in Old Town would allow residents to just as easily use the front entrance.

Furthermore, many homes in Alexandria are not limited to lots with a total width of 14'. We don't particularly mind this feature, understanding that this is how it was back in the day. However, with modern-day needs and changes, there is no way to meet the 8' side offsets with this lot.

(F) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

The small 55 sqft buffer room is only to aid in providing safe family ingress/egress and to buffer inclement weather from entering the kitchen. It is not intended to be commercial in any manner. The room is also too small to be utilized for any other purpose other than taking off shoes and jackets (and hopefully a stroller) and to provide a buffer from outside elements. There is no reason why the small addition would change the zoning classification of the property.

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

The property has a width of 14 ft. The setback variance is being sought because there is not enough space to allot for the ideal 8 ft setback distance from each property line side (no matter how the room is designed).

Closing Remarks

In an effort to minimize the impact to the community, we are trying to keep the room as small as possible (at 55 sqft). The open space requirement is also understandable, as such, we are okay with increasing the open space by decreasing the gravel lot.

As described above, we desire the small buffer room to buffer not only the environment but also provide a safety buffer for our child, due in March. The safety afforded by this buffer room would come in the form of ease of ingress/egress via the rear door and in the form of safety from damp inclement weather.

We hope the reasons provided are satisfactory and a setback variance can be issued.

Thank you for your consideration,
Azizul Choudhury



Department of Planning and Zoning

Floor Area Ratio and Open Space Calculations

B

A. Property Information

A1. 323 N Henry Street CL
Street Address Zone

A2. 1,623.00 x 0.75 = 1,217.25
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area		Allowable Exclusions**		
Basement		Basement**		B1. 1,195.00 Sq. Ft.
First Floor	600.00	Stairways**	110.75	Existing Gross Floor Area*
Second Floor	595.00	Mechanical**	10.50	B2. 229.25 Sq. Ft.
Third Floor		Attic less than 7'***		Allowable Floor Exclusions**
Attic		Porches**		B3. 965.75 Sq. Ft.
Porches		Balcony/Deck**		Existing Floor Area Minus Exclusions
Balcony/Deck		Lavatory***	108.00	(subtract B2 from B1)
Lavatory***		Other**		
Other**		Other**		
B1. Total Gross	1,195.00	B2. Total Exclusions	229.25	

Comments for Existing Gross Floor Area

C. Proposed Gross Floor Area

Proposed Gross Area		Allowable Exclusions**		
Basement		Basement**		C1. 55.00 Sq. Ft.
First Floor	55.00	Stairways**		Proposed Gross Floor Area*
Second Floor		Mechanical**		C2. 0.00 Sq. Ft.
Third Floor		Attic less than 7'***		Allowable Floor Exclusions**
Attic		Porches**		C3. 55.00 Sq. Ft.
Porches		Balcony/Deck**		Proposed Floor Area Minus Exclusions
Balcony/Deck		Lavatory***		(subtract C2 from C1)
Lavatory***		Other**		
Other		Other**		
C1. Total Gross	55.00	C2. Total Exclusions	0.00	

D. Total Floor Area

D1. 1,020.75 Sq. Ft.
Total Floor Area (add B3 and C3)

D2. 1,217.25 Sq. Ft.
Total Floor Area Allowed by Zone (A2)

E. Open Space

E1. 627.80 Sq. Ft.
Existing Open Space

E2. 649.20 Sq. Ft.
Required Open Space

E3. 663.60 Sq. Ft.
Proposed Open Space

Notes

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

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

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

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

Signature: _____

Date: November 3, 2021

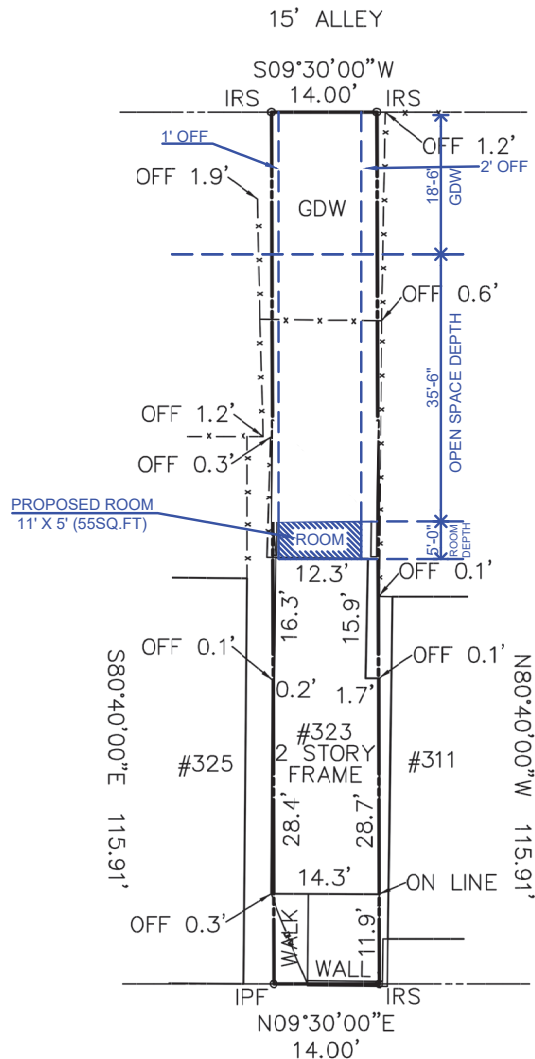
LINE TYPES:

——	BOUNDARY LINE
----	EASEMENT
----	DRIVEWAY/ROAD
-x-x-x-	FENCING
—x—x—x—	OVERHEAD WIRE
----	STRUCTURE
----	PROPOSED SPACING
----	PROPOSED ROOM

LEGEND:

ADW—ASPHALT DRIVEWAY	CO—CLEANOUT
A/C—AIR CONDITIONING	CONC.—CONCRETE
A/W—AREAWAY	ER—ELECTRICAL RISER
B.E.—BASEMENT ENTRANCE	F.E.—FIRE ESCAPE
BF—BOLT FOUND	FLOS—FIBER OPTICS UTILITY BOX
BO—BOLLARD	GDW—GRAVEL DRIVEWAY
BRL—BUILDING RESTRICTION LINE	GEN.—GENERATOR
CAB.—CABLE PEDESTAL	IPF—IRON PIPE FOUND
CDW—CONCRETE DRIVEWAY	IRS—IRON ROD SET
CM—CONCRETE MONUMENT	IRF—IRON ROD FOUND
	MH—MANHOLE

PAD—CONCRETE PAD
PP—POWER POLE
R/W—RIGHT OF WAY
SMH—SANITARY MANHOLE
ST.—STOOP
TELE—TELEPHONE PEDESTAL
TR/TRANS—TRANSFORMER
WM—WATER METER
WV—WATER VALVE
W.W.—WINDOW WELL



NORTH HENRY STREET

(50' R/W)

0.1 MILE TO
PRINCESS STREET

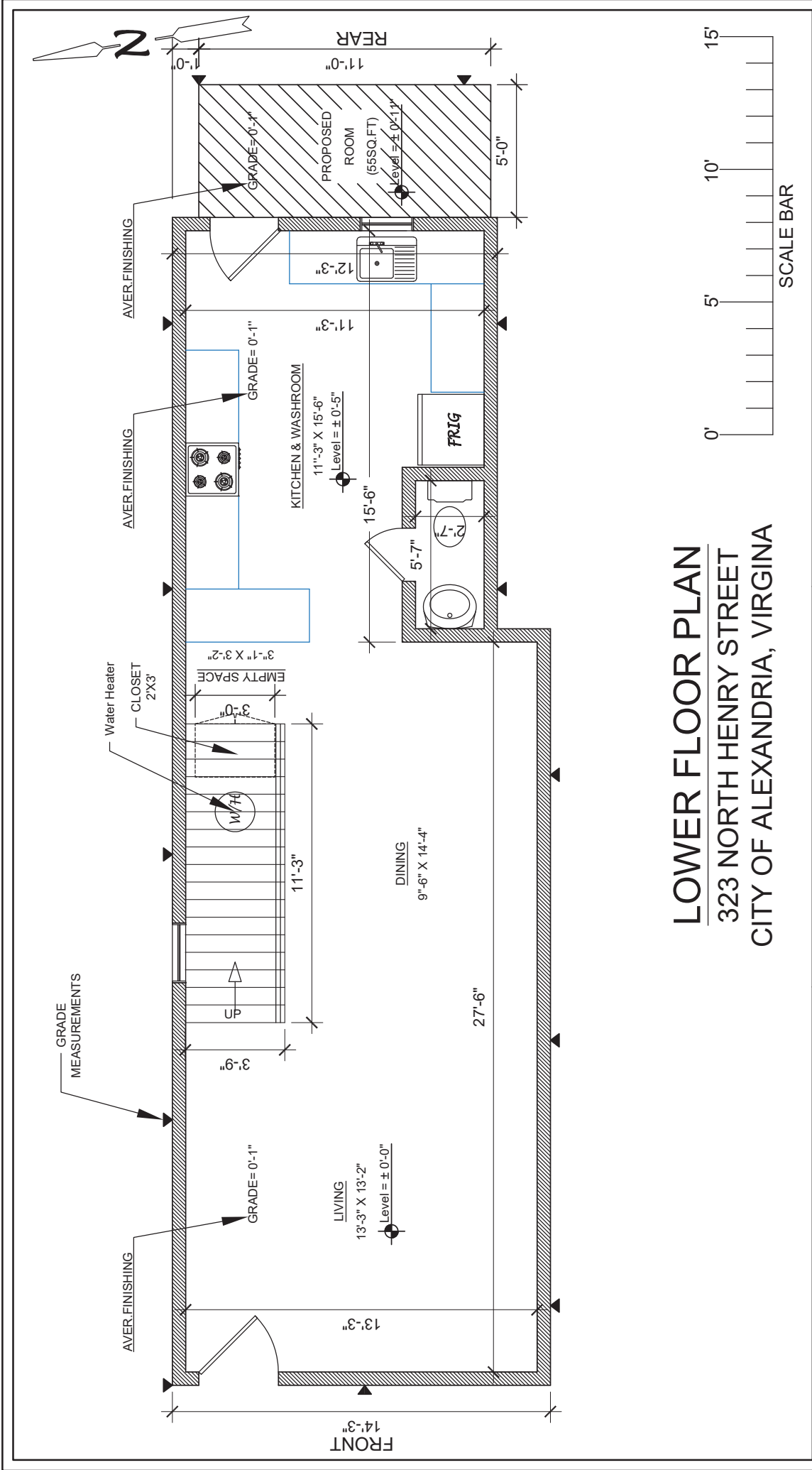
LOCATION SURVEY

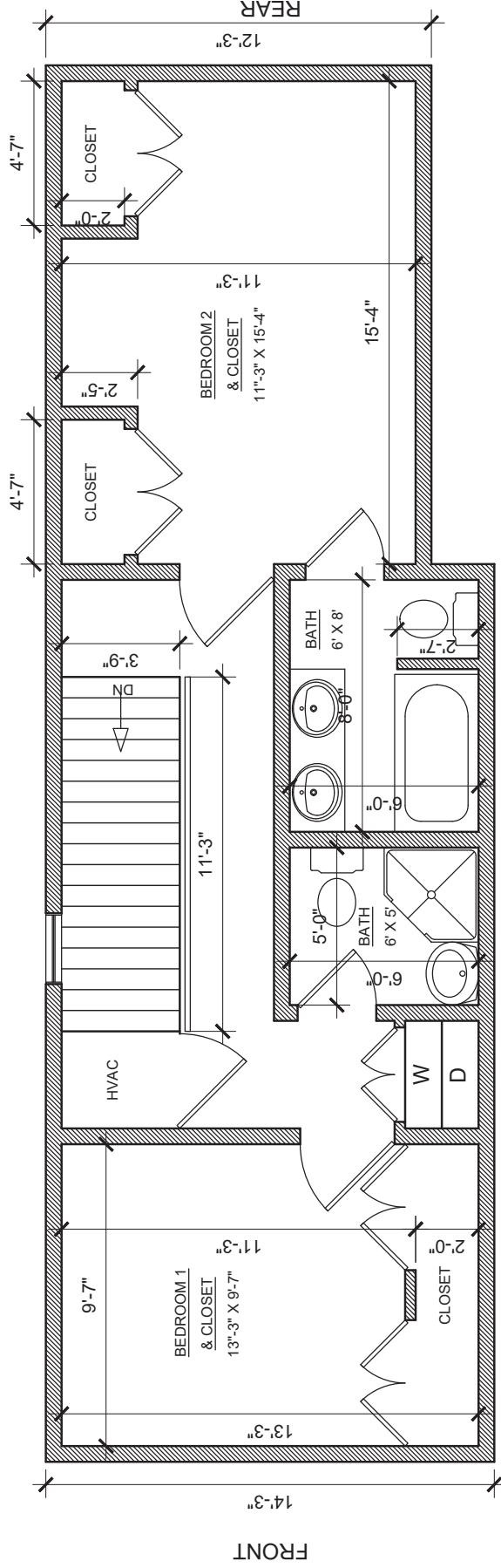
#323 NORTH HENRY STREET
CITY OF ALEXANDRIA, VIRGINIA
SCALE 1"=24' DATE 07-19-21



- 1.) NO TITLE REPORT FURNISHED.
- 2.) THIS SURVEY IS NOT TO BE USED AS A PLAT TO ESTABLISH PROPERTY LINES OR TO CONSTRUCT ANY PERMANENT STRUCTURES ON THE PROPERTY.
- 3.) FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE AND DO NOT CERTIFY AS TO OWNERSHIP.

MERESTONE LAND SURVEYING PLLC
LAND SURVEYING & G.P.S. SERVICES
MERESTONE LAND SURVEYING PLLC
1229 GARRISONVILLE ROAD #105 STAFFORD, VA 22556
(540)752-9197 FAX (540)752-9198



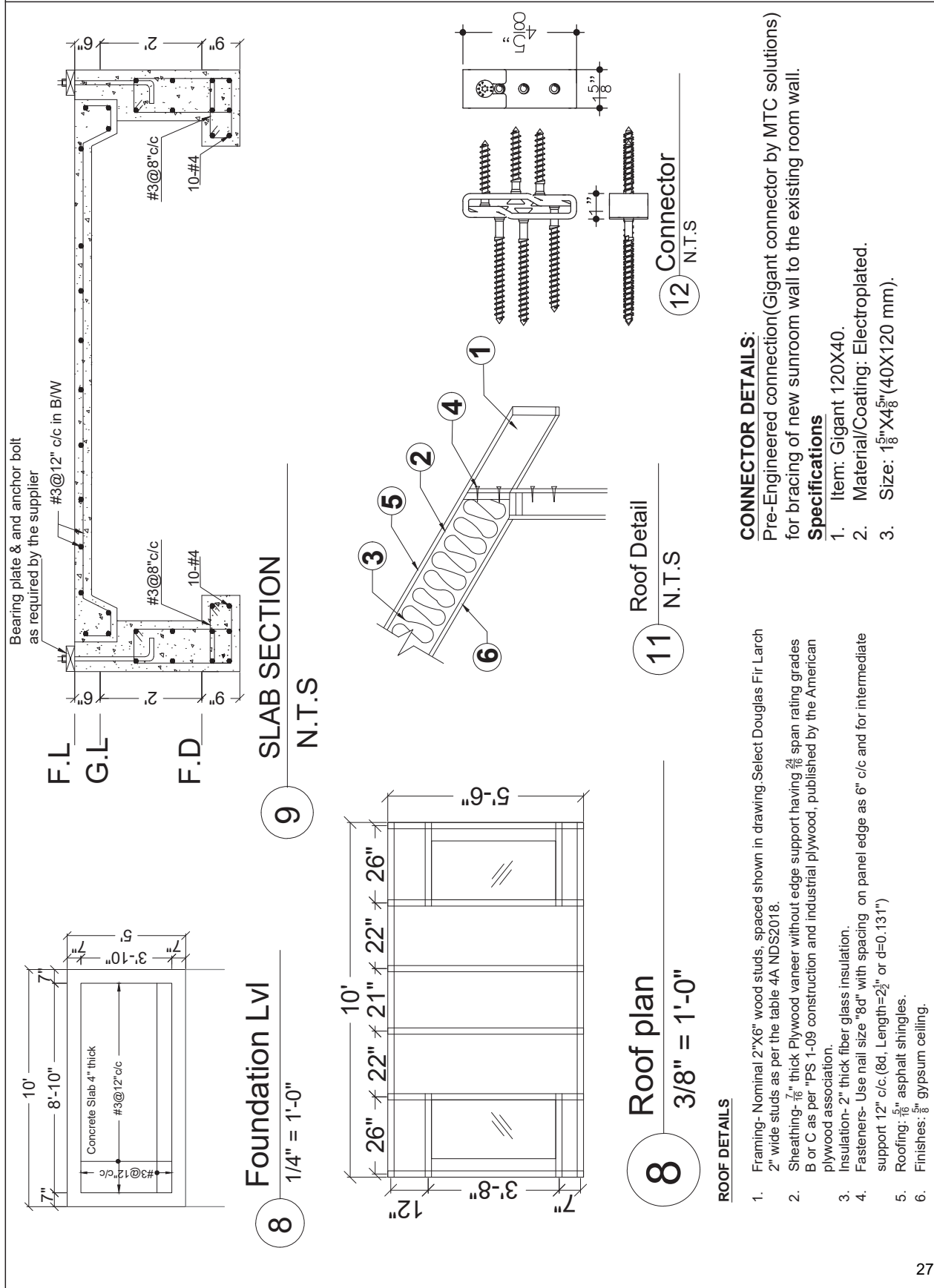


UPPER FLOOR PLAN
323 NORTH HENRY STREET
CITY OF ALEXANDRIA, VIRGINIA

PRINT SCALE: 1"=5'

PAPER: A4

PRINT DATE: 10/12/2021



DESCRIPTION	1. Footings have been designed based on an allowable soil bearing capacity 1000psf. 2. The recommended concrete strength for the structure is 3000psi. 3. The clear cover to reinforcement should be 2"
Terms used	1. F.L= Floor level 2. G.L= Grade level 3. F.D= Frost depth 4. S.L= Soil level
PROJECT :	SUNROOM ADDITION
Client :	Azizul Choudhury
Address :	323 N Henry St, Alexandria, VA 22314.
DRAWING NO.	021-Str-103
DATE	Sep 13, 2021
DRAWN BY:	Ar. Engr. M. Sheraz
DESIGNED & CHECKED BY:	Dr. Engr. Sajjad Ahmad Ph.D. (Structural Engineering, Pakistan) Professional Structural Engineer (PEC, PAK)



DESCRIPTION

1. Footings have been designed based on an allowable soil bearing capacity 1000psf.
2. The recommended concrete strength for the structure is 3000psi.
3. The clear cover to reinforcement should be 2".

Terms used

1. F.L= Floor level
2. Gr.L= Grade level
3. F.D= Frost depth
4. S.L= Soil level
5. G.L= Ground level
6. K.L= Kitchen level
7. S.R.L= Sun room level
8. F.P= Fixed Panel
9. F.R= Floor Receptacle
10. R = Receptacle

PROJECT :

SUNROOM ADDITION

Client :

Azizul Choudhury

Address :

323 N Henry St, Alexandria,
VA 22314.

DRAWING NO. :

021-Str-103

DATE :

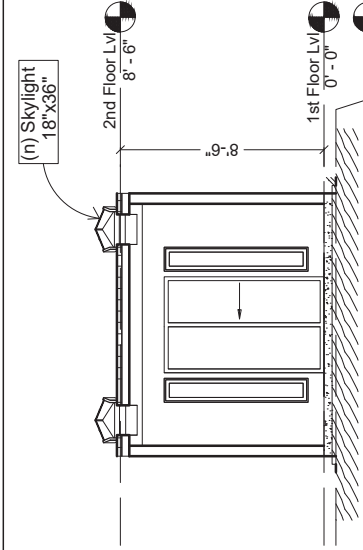
Oct 24, 2021

DRAWN BY :

Ar. Engr. M. Sheraz

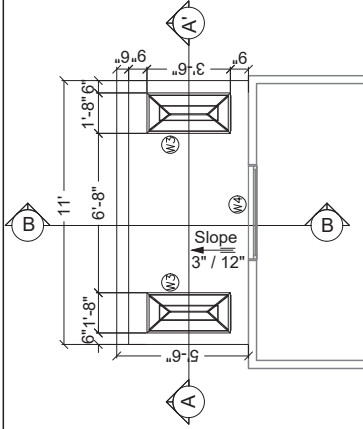
DESIGNED & CHECKED BY :

Dr. Engr. Sajjad Ahmad
Ph.D. (Structural Engineering, Pakistan)
Professional Structural Engineer (PEC, PAK)



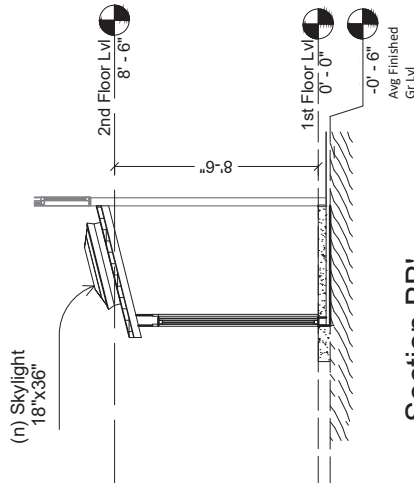
Section AA'

3 3/16" = 1'-0"



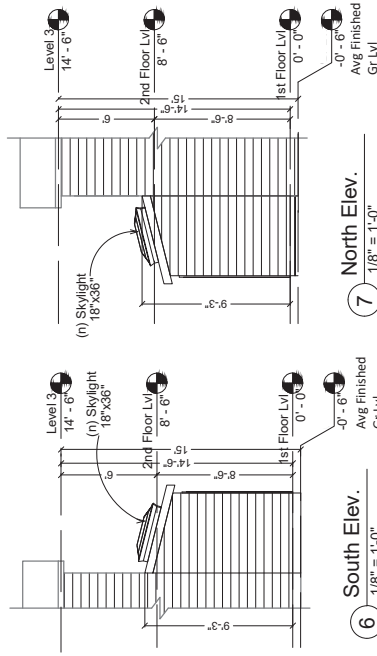
Section BB'

4 3/16" = 1'-0"



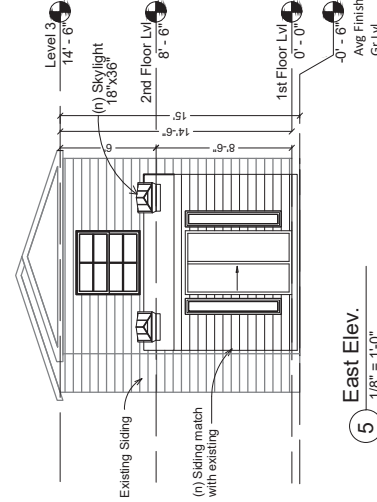
Section CC'

5 3/16" = 1'-0"



Section DD'

6 3/16" = 1'-0"



Section EE'

7 3/16" = 1'-0"

Door Schedule

Mark	Description	Width	Height
2	Sliding Door	48"	80"
1	Existing Door	36"	80"

Window Schedule

Type	Description	Width	Height	Sill Height	Head Height
W1	Existing Window	24"	42"	38"	80"
W2	Fixed window	24"	72"	8"	80"
W3	Skylight	20"	42"		
W4	Existing Window	48"	48"	12"	60"

1-HOUR FIRE-RATED WALL FROM BOTH SIDES

1. Framing- Nominal 2"x4" wood studs, spaced 16" o.c.
2. Sheathing- 5/8" Type X gypsum wallboard 4ft applied horizontally, 5/8" one sided flame block sheathing.
3. Insulation- 3 1/2" thick mineral wool insulation.
4. Fasteners- 2 1/4" #6 Type S drywall screws, spaced 12" o.c.
5. Cladding- Fibre cement board on exterior face.

