

Docket Item #3

Special Use Permit #2013-0087

313 North Patrick Street

Application	General Data	
Consideration of a Special Use Permit request to operate an existing single-family dwelling occupied by more than four and not more than nine unrelated individuals.	Planning Commission Hearing:	February 4, 2014
	City Council Hearing:	February 22, 2014
Address: 313 North Patrick Street	Zone:	RB / Residential Townhouse
Applicant: Dorothy Campbell	Small Area Plan:	Braddock Road Metro

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

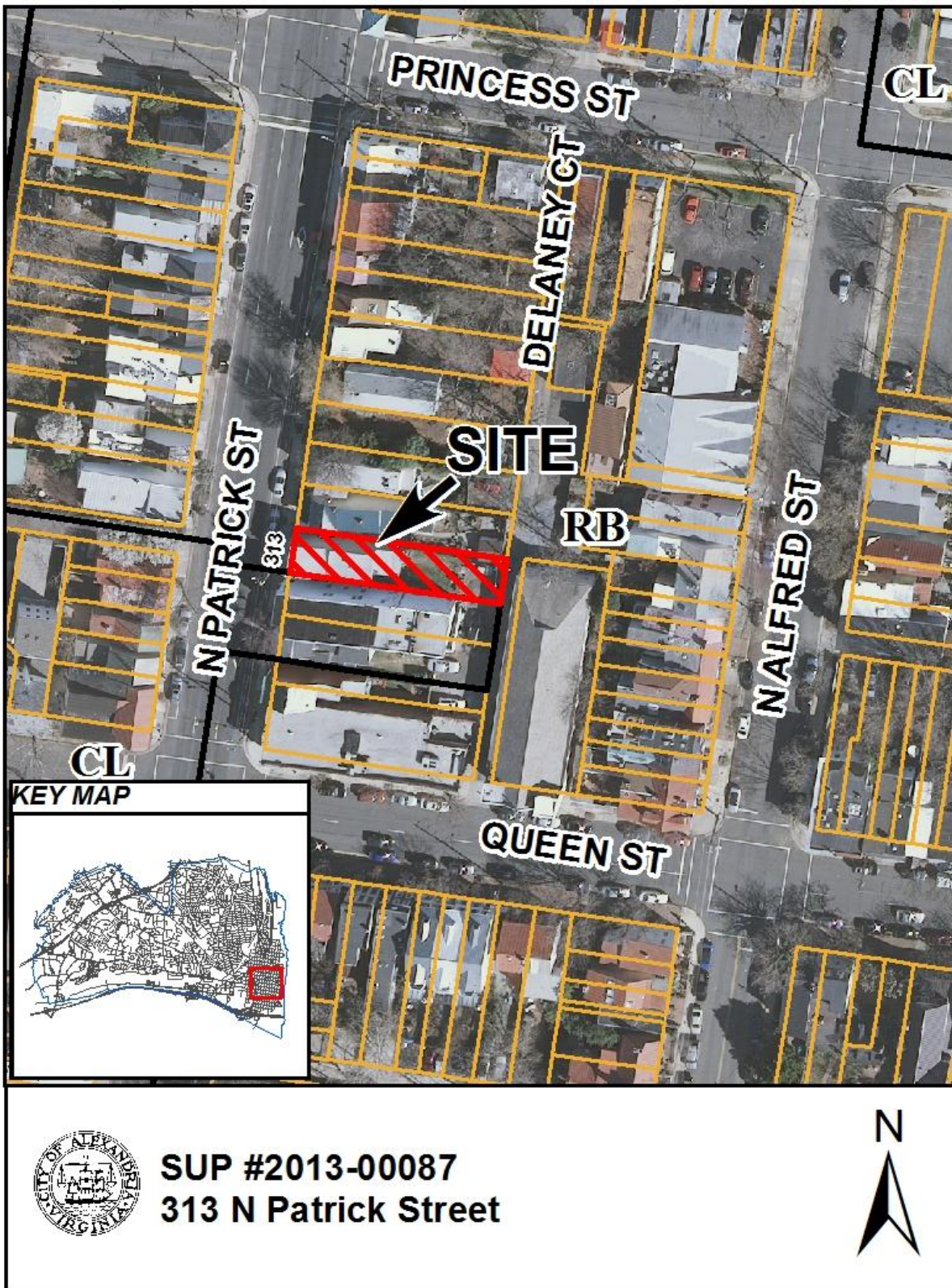
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, FEBRUARY 4, 2014: On a motion by Commissioner Wagner, seconded by Commissioner Lyman, the Planning Commission recommended approval of the request and subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Lynnwood Campbell, representing the applicant, spoke in support of the request.



I. DISCUSSION

The applicant, Dorothy Campbell, requests Special Use Permit approval to operate an existing single-family dwelling occupied by more than four and not more than nine unrelated individuals at 313 North Patrick Street.

SITE DESCRIPTION

The subject site is one lot of record with 25 feet of frontage on North Patrick Street, 145 feet of depth and a total lot area of 3,625 square feet. The property is improved with a two-story detached dwelling.

The surrounding area is occupied by a mix of commercial, residential and institutional uses. The Ebenezer Baptist Church is located to the east (main building) and south (Hargrave Collins building). Commercial uses, including the former Lewis Funeral Home, a clothing/gift shop and a hair salon are also located to the south. Residential townhomes are located to the west and north.



BACKGROUND

The subject property has functioned as a “rooming house” since approximately the late 1950s and has been owned by the current applicant since the early 1970s. Although Special Use Permit approval has been required for the use since 1951 in all zones in which it is allowed, it operated for many years without an SUP. In 1987, City Council addressed the circumstance of several rooming houses operating without SUP approval by adding language to the Zoning Ordinance specifying that such uses shall be nonconforming unless SUP approval was obtained by 1992.

The applicant applied and received approval for a rooming house in May 1991 (SUP#2484). The SUP included a five-year expiration date as required at the time in the Zoning Ordinance. City Council approved SUP#96-0101 in September 1996 to allow the use to continue operating for another five years. Special Use Permit #96-0101 expired in 2001 although the applicant has leased out bedrooms continuously since that time.

In 1999, City Council adopted Text Amendment #98-0016 to amend rooming house regulations. One requirement dropped from existing regulations was that all Special Use Permits shall be approved only for a five-year period. One requirement added in 1999 was the stipulation that the owner of a rooming house must live on the premises. The only exception to this rule is that City Council may waive the requirement if the rooming house is located in one of several commercial zones.

Given the lapse in the 1996 SUP, the applicant must meet current zoning requirements in order to obtain new SUP approval and continue to exist in its current configuration. However, she does not currently live on the premises nor did she live on-site at the time of either of the most recent SUP approvals in 1991 and 1996. Furthermore, the property, not being in a commercial zone, is ineligible to receive a waiver from City Council. Unless the applicant were to move to this site from her long-time home one block away, the proposal would not meet the rooming house standards (Section 7-1900) and staff cannot consider the use to be a “rooming house” today.

Section 2-143 of the Zoning Ordinance provides four definitions of what may constitute a family. One such definition, at Section 2-143(D), states that a family can be considered:

Any other housekeeping unit not specified above which may be approved through the issuance of a special use permit as being compatible with the character of the neighborhood in which it is to be located; provided, however, that such housekeeping unit shall not exceed nine persons.

PROPOSAL

The applicant proposes to continue operation of the existing dwelling as she has for many years. Bedrooms are rented individually to each resident, who typically do not have a pre-existing relationship to other renters in the building, and bathroom and kitchen facilities are shared among all tenants. Bed linens, towels, and routine cleaning services are also provided, although tenants are required to remove trash from their individual rooms.

Up to nine individuals may live the residence at any one time, although typically only seven individuals reside on premises, with one person in each bedroom. A room originally intended as an eighth bedroom is more commonly used as a living room since it must remain open to access the only full bathroom in the dwelling.

ZONING/MASTER PLAN DESIGNATION

The proposed use is located in the RB / Residential Townhouse zone. While Section 3-703(G) of the Zoning Ordinance allows a rooming house in the RB zone with an SUP, this facility is subject to and not able to meet the standards contained in Section 7-1900. Alternatively, a single-family dwelling in the RB zone is typically a permitted use; however, the proposal to allow up to nine unrelated individuals in the home requires SUP approval consistent with Section 2-143(D). The use is located in the Braddock Road Metro Small Area Plan chapter of the Master Plan, which designates the property for residential uses.

PARKING

Given that the use has operated continuously since the late 1950s, it is grandfathered as to its technical parking requirement. Under current zoning the use would require two off-street parking spaces pursuant to Section 8-200(A)(1). Two off-street parking spaces, accessed via an alley, are located to the rear of the dwelling. The applicant reports that only one resident currently owns a vehicle.

II. STAFF ANALYSIS

Staff supports the applicant's request. The use is appropriate in this location and has operated for nearly 60 years without any known zoning-related problems or complaints. It is compatible with the surrounding area, which includes commercial and institutional uses in addition to residences. The request also represents the retention of existing market-affordable housing and, above all, would allow seven Alexandria residents to remain in their homes.

The definition of family involved in this request, while infrequently used, has been similarly applied at least once before: in 2002, City Council approved an SUP to allow five unrelated individuals to continue to reside as a single family on North Peyton Street. Like the current request, the case involved the continued operation of a dwelling unit in which more than four unrelated people reside and which is not owner-occupied.

The automatic five-year expiration date which has necessitated reconsideration of this use was included in prior SUP approvals based on a zoning limitation that has since been eliminated. It does not appear to have been required for any other reason, such as a review of redevelopment opportunities as included some recent SUP cases, and staff has found no other active SUPs for rooming houses or similar uses that include such a requirement.

Staff sees a low potential for neighborhood impacts from this use and only a few conditions of approval have been included in this report. For example, Condition #2 recommends prohibiting more than nine individuals from permanently residing in the home at any one time and Condition #3 recommends limiting the use to its existing maximum of eight bedrooms. As a general measure, it has also recommended language (Condition #4) requiring the owner to maintain peace and good order on the premises and prevent the use from becoming a nuisance. The condition, which originates from rooming house regulations in the Zoning Ordinance, was included in the above-referenced 2002 SUP case as well as the two most recent "rooming house" SUPs.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

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

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. No more than nine individuals may permanently reside on the premises at any one time. (P&Z)
3. The number of bedrooms in the dwelling shall be limited to eight. (P&Z)

4. The applicant shall be responsible for the peace and good order of the premises, and shall at all times see that the premises does not become a public or common nuisance by reason, among others, of the congregation of disorderly persons, inebriates, or persons using or selling controlled substances. (P&Z)
5. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
6. The Director of Planning and Zoning shall review the Special Use Permit one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

R-1 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

C-1 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)

Code Enforcement

F-1 No comments

Health

F-1 No comments

Parks and Recreation

F-1 No comments received

Police Department

F-1 No comments received



CITY LICENSE— 109395

APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-0087

PROPERTY LOCATION: 313 NORTH PATRICK STREET, ALEX. VA 22314

TAX MAP REFERENCE: 064.04.01.05 ZONE: RB

APPLICANT: DOROTHEA CAMPBELL

Name: DOROTHEA CAMPBELL

Address: 425 NORTH ALFRED STREET, ALEXANDRIA, VA 22314

PROPOSED USE: TO CONTINUE OPERATING THE SINGLE ROOM

OCCUPANCY (SRO) HOME @ 313 NORTH PATRICK ST

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **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 IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

DOROTHEA CAMPBELL
Print Name of Applicant or Agent

[Signature]
Signature

10/24/13
Date

425 NORTH ALFRED STREET
Mailing/Street Address

Telephone #

Fax #

ALEXANDRIA, VA 22314
City and State Zip Code

703-548-7925

703-399-9387 CAMPBELL-1@COMCAST.NET
Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 313 NORTH PATACK ST, ALEX. VA, I hereby
 (Property Address)
 grant the applicant authorization to apply for the SPECIAL USE PERMIT TO OPERATE use as
 (use) THE SRO
 described in this application.

Name:

DOROTHEA CAMPBELL

Phone:

703-548-7925

Please Print

Address:

425 N. ALFRED STREET
ALEX. VA 22314

Email:

—

Signature:

Date:

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☒ 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

OWNED 100% BY DOROTHEA CAMPBELL

OWNERSHIP AND DISCLOSURE STATEMENT SUP2013-0087

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. <u>DOROTHEA CAMPBELL</u>	<u>425 N. ALFRED ST</u>	<u>100%</u>
2.	<u>ALEX. VA 22314</u>	
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 313 N. PATAICK ST, ALEX. VA (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. <u>DOROTHEA CAMPBELL</u>	<u>425 N. ALFRED ST</u>	<u>100%</u>
2.	<u>ALEX. VA 22314</u>	
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 and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. <u>NONE</u>	<u>NONE</u>	<u>NONE</u>
2. <u>I</u>	<u>I</u>	<u>I</u>
3. <u>I</u>	<u>I</u>	<u>I</u>

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.

DOROTHEA CAMPBELL

Date

Printed Name

Signature

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.

NOT APPLICABLE

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

213 NORTH PATACK STREET HAS BEEN OPERATING
AS A SINGLE ROOM OCCUPANCY (SRO) SINCE THE
EARLY 1960'S. THE PROPERTY HAS BEEN OPERATED
BY DOROTHEA CAMPBELL SINCE THE EARLY 1970'S.

213 PROVIDES LOW COST AFFORDABLE HOUSING
FOR 7 TO 9 INDIVIDUALS.

I AM REQUESTING THAT THE CURRENT
SPECIAL USE PERMIT CONTINUE.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☐ an expansion or change to an existing use with a special use permit,

☒ other. Please describe: CONTINUE EXISTING SPECIAL USE PERMIT

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

7 TO 9 PERSONS

RENT SINGLE ROOMS AT ANY GIVEN TIME

- B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

THERE ARE NO EMPLOYEES.

CLEANING AND MAINTENANCE IS PROVIDED BY FAMILY MEMBERS AND OR LICENCED CONTRACTORS AS NEEDED

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

7 DAYS @ WEEK

Hours:

24 HOURS @ DAY

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

NONE EQUAL TO THAT OF A SINGLE

FAMILY HOME — NOISE DEEMED MINIMAL

- B. How will the noise be controlled?

NOT APPLICABLE — THERE HAS

NOT BEEN ANY NOISE ISSUES

8. Describe any potential odors emanating from the proposed use and plans to control them:

NONE

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

NORMAL TRASH GENERATED BY A SINGLE FAMILY
RESIDENCE. TRASH IS COLLECTED WEEKLY BY THE CITY

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

APPROXIMATELY 4 30 GALLON CANS PER WEEK
AND ONE RECYCLE CAN

- C. How often will trash be collected?

WEEKLY BY THE CITY

- D. How will you prevent littering on the property, streets and nearby properties?

THE PROPERTY IS INSPECTED AT LEAST WEEKLY.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes.

☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

NOTHING WILL BE MAINTAINED EXCEPT
NORMAL HOUSEHOLD CLEANING MATERIALS

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

THERE ARE NO SAFETY ISSUES.

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes ☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

2 Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
 _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☒ on-site
☐ off-site

If the required parking will be located off-site, where will it be located?

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? NOT APPLICABLE

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? NOT APPLICABLE
- C. During what hours of the day do you expect loading/unloading operations to occur?
NOT APPLICABLE
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
NOT APPLICABLE

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

ACCESS IS ADEQUATE. NO CHANGES ARE
DEEMED NECESSARY

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? N/A square feet.

18. What will the total area occupied by the proposed use be?

1440 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1440 sq. ft. (total)

19. The proposed use is located in: (check one)

☒ a stand alone building

☒ a house located in a residential zone

☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

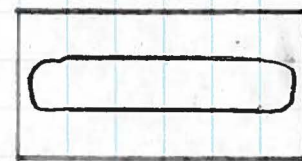
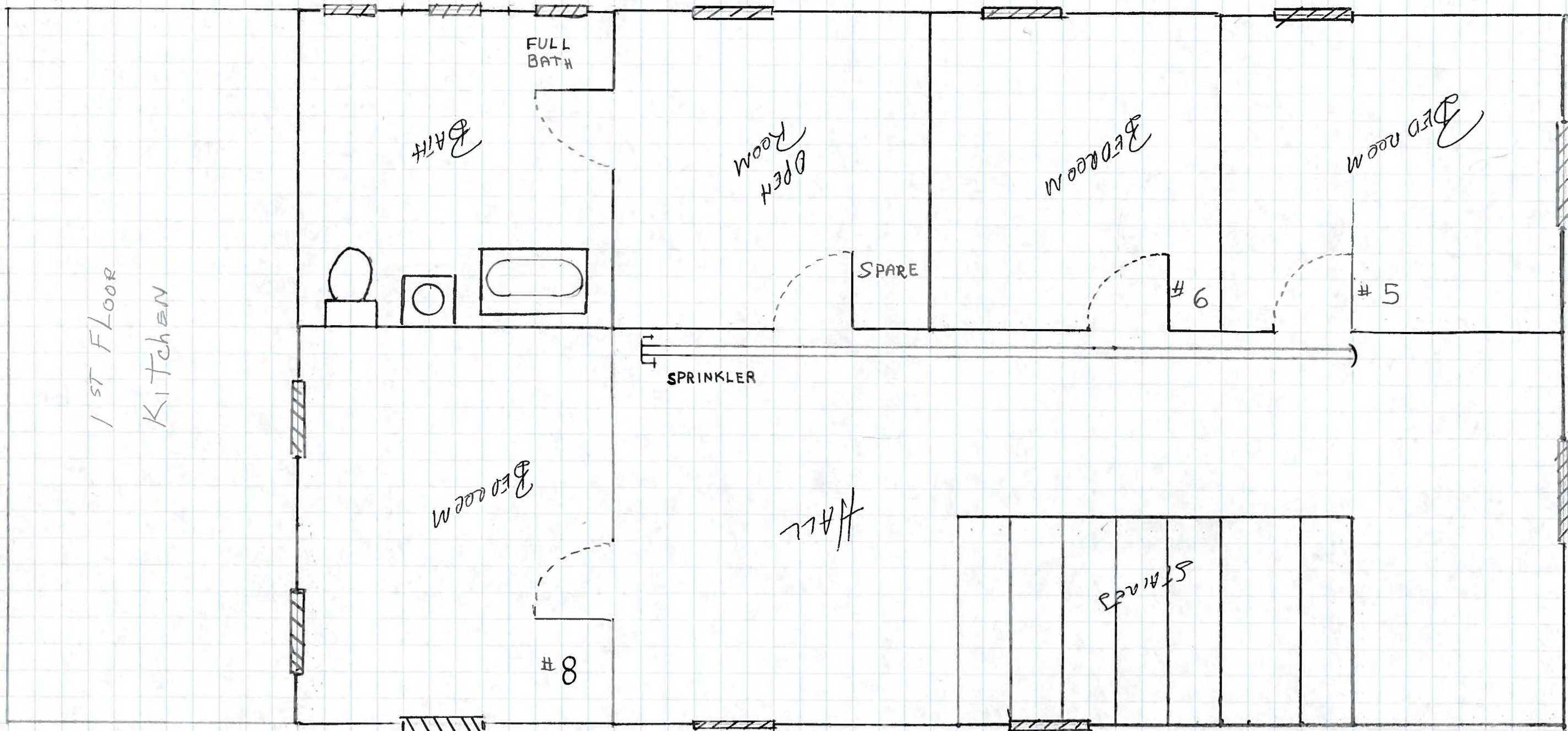
☐ other. Please describe: _____

End of Application

SUP2013-0087

1st Floor

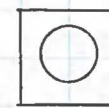
Kitchen



TUB



Toilet



SINK

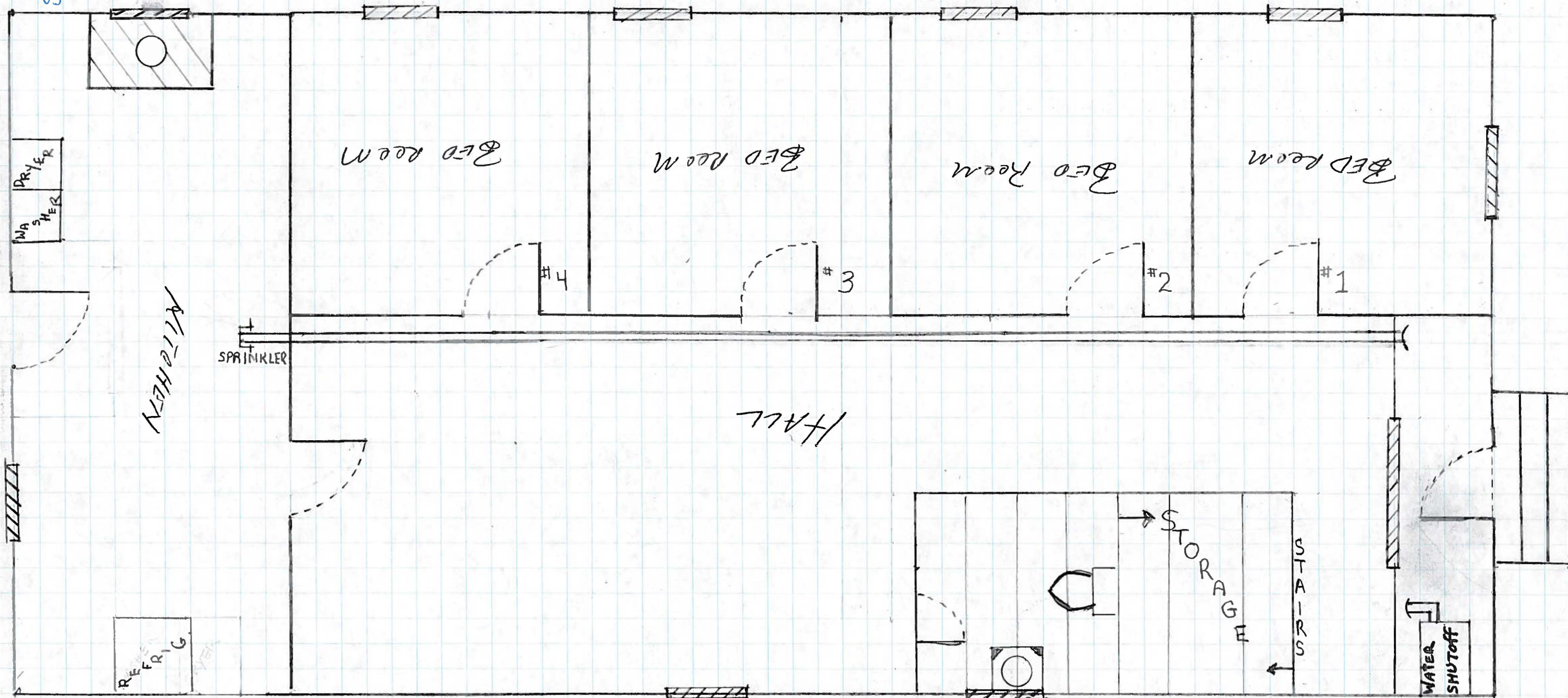


STAIRS

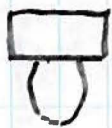
313 N. Patrick St.
Alexandria, VA
2nd Floor

ZACK MOORE
240-475-4357

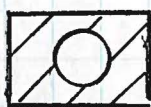
SUP2013-0087



STAIR



TOILET



Kitchen
SINK



Bath
SINK

1/2 Bath UNDER STAIRS
PLUS
STORAGE

313 N. PATRICK ST
ALEXANDRIA, VA 22314

ZACK MOORE