



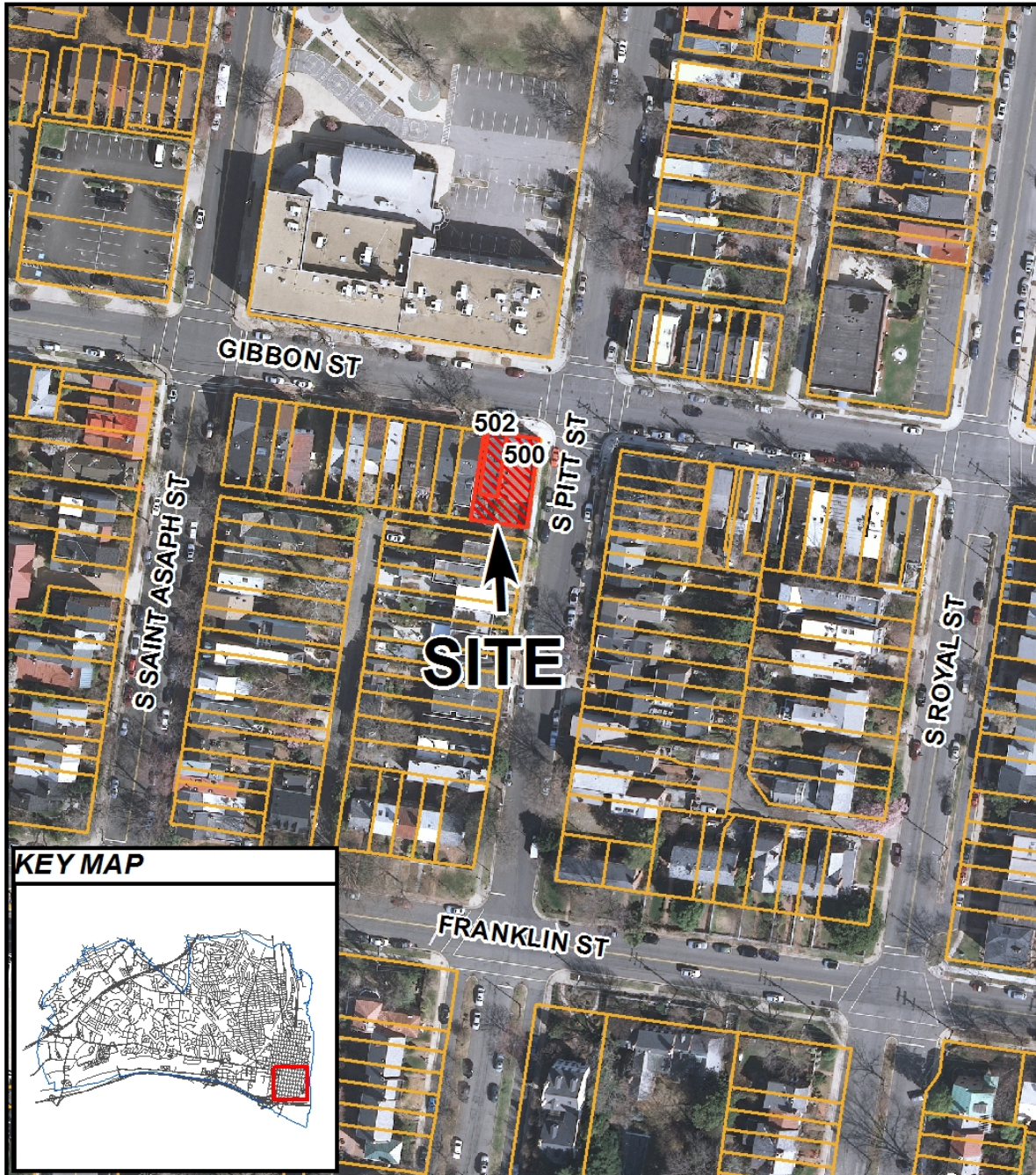
***DOCKET ITEM #7***  
***Subdivision #2014-0015***  
***500 and 502 Gibbon Street***

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Application	General Data	
<b>Request:</b> Public hearing and consideration of a subdivision request, with variations, to subdivide one parcel into two lots.	<b>Planning Commission Hearing:</b>	January 6, 2015
	<b>Approved Plat must be recorded by:</b>	July 6, 2016
<b>Address:</b> 500 & 502 Gibbon Street	<b>Zone:</b>	RM/Residential Townhouse
<b>Applicant:</b> Catherine D. Webster and Margaret Lynne Bourjaily represented by Duncan Blair, attorney	<b>Small Area Plan:</b>	Old Town

**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](mailto:nathan.randall@alexandriava.gov)



**SUB #2014-0015**  
**500 & 502 Gibbon Street**





## I. DISCUSSION

The applicants, Catherine D. Webster and Margaret Lynne Bourjaily, represented by Duncan Blair, attorney, request approval of a subdivision, with variations, to subdivide one parcel into two lots at 500 and 502 Gibbon Street.

### SITE DESCRIPTION

The subject property is one lot of record with 46.33 feet of frontage on Gibbon Street, 76 feet of frontage on South Pitt Street and a total lot area of 3,521 square feet. The eastern portion of the site, addressed as 500 Gibbon Street, is developed with a historic, two-story, two-family dwelling. The western portion of the site, addressed as 502 Gibbon Street, is developed with a two-story single-family dwelling constructed in 1986.



The surrounding area is occupied primarily by residential townhouse dwellings to the east, south and west. Lyles-Crouch Traditional Academy, a public school, is located to the north across Gibbon Street.

### BACKGROUND

The building at 500 Gibbon Street was constructed in approximately 1900 and is believed to have functioned as a grocery store for decades. In the 1960s, the store closed and the building was converted to a two-family dwelling. The construction of the 502 Gibbon Street single-family dwelling was the subject of considerable discussion in 1985 and 1986. After several design changes, the Board of Zoning Appeals (BZA) approved variances in December 1985 to allow for the construction of the dwelling with reduced side and front yard setbacks (BZA Case #5248). An allowance for the one required off-street parking space to be located off-site, as opposed to being on-site as required, was requested as part of the case but was not approved. The property owner at the time subsequently received approval from the BZA in February 1986 (BZA Case #5277) for a one-space parking variance. (Prior to 1992, the BZA approved requests known today as parking reductions that are heard by the Planning Commission and City Council.)

In March 1986, the Planning Commission approved a subdivision request to divide the one property into two lots, which was necessary in order to construct the new single-family dwelling on the western side of the site (502 Gibbon Street) as contemplated in the BZA approvals. The request necessitated variations with regard to lot size for the corner lot at 500 Gibbon (from the required 2,000 square feet down to 1,938 square feet), side yard setbacks (from the required eight feet down to zero) for the existing dwelling at 500 Gibbon, and a reduction in open space at 500 Gibbon that ultimately proved to be unnecessary.

The new dwelling also received Board of Architectural Review Approval in May 1986 and was constructed shortly thereafter. However, the approved subdivision plat was never recorded and the approval expired many years ago. Technically speaking, the single-family dwelling at 502 Gibbon Street therefore has been inconsistent for many years with the Zoning Ordinance definition of a single-family dwelling, which requires at Section 2-139 that each such dwelling be located on its own lot.

In 1992, as part of the City-wide changes to the Zoning Ordinance, the RM zone was amended in several ways, including a change to the minimum lot area requirement (from 1,000 square feet per dwelling unit to a uniform 1,452 square feet) and the establishment of a minimum lot width/frontage of 25 feet for single and two-family dwellings.

The individual who owned the property at the time of its 1986 redevelopment recently passed away. She stipulated in her will that the properties at 500 and 502 Gibbon Street should be bequeathed individually to the current applicants. They filed for the current subdivision request upon discovering that the 1986 subdivision plat was never recorded.

### PROPOSAL

The applicants request to subdivide the existing parcel into two lots as shown in Figure 1 on the following page by introducing a new property line between the existing structures at the site. Proposed Lot 500, on which the existing, historic two-family dwelling at 500 Gibbon Street would remain, would measure 1,938 square feet. It would have 25.90 feet of frontage/width on Gibbon Street and 76 feet of frontage on South Pitt Street. Proposed Lot 501, on which the existing, 1986 single-family dwelling at 502 Gibbon Street would remain, would measure 1,583 square feet and have lot frontage/width of 20.43 feet on Gibbon Street.

The current subdivision proposal is identical to the request approved by the Planning Commission in 1986. However, due to the expiration of the proposed plat and variations in that approval, the current request must be reviewed anew and reviewed under today's regulations. The 1992 RM zone changes have resulted in new variations being necessary now for the same request, while some of the variations requested in the expired 1986 approval are no longer necessary. Pursuant to Section 11-1713(E) of the Zoning Ordinance, the applicant requests subdivision approval with variations from zoning requirements to allow the following:

- 1) The intensification of the existing, noncomplying gross density of proposed Lot 500 from 37 to 45 dwelling units per acre instead of the maximum 30 dwelling units per acre,
- 2) The creation of proposed Lot 501 with only 20.43 feet of frontage on Gibbon Street rather than the required 25 feet, and
- 3) The creation of no side yard setback between each of the existing dwellings and the proposed new property line. The Zoning Ordinance ordinarily requires a side yard setback of five feet between each dwelling and the proposed new property line. Although BZA#5248 included variance approval for a zero side yard for the 1986 single-family dwelling alone, the anticipated lot line necessitating the variance was never officially created.



ZONING / MASTER PLAN DESIGNATION

The property is located in the RM / Townhouse zone. As shown in the table below, although the proposed lots and existing structures meet some of the zoning requirements for the RM zone, they do not meet all of the requirements. The property is located within the Old Town Small Area Plan Chapter of the Alexandria Master Plan, which designates the property for uses consistent with the RM zone.

	<b>Existing Lot (Corner)</b>	<b>Required (Corner or Interior)</b>	<b>Proposed Lot 500 (Corner)</b>	<b>Proposed Lot 501 (Interior)</b>
Lot Size	3,521 Sq. Ft.	Minimum 1,452 Sq. Ft.	1,938 Sq. Ft	1,583 Sq. Ft.
Lot Width / Frontage	46.33 Feet (Gibbon)	Minimum 25 Feet	25.9 Feet (Gibbon)	<b><u>20.43 Feet</u></b>
	76 feet (S. Pitt)		76 Feet (S. Pitt)	
FAR	1.17	Maximum 1.5	1.30	1.01
Front Yard	Zero Feet (both frontages)	Front PL <u>or</u> block average	Zero Feet (both frontages)	2.1 Feet*
Density	37.11 dwelling units / acre	Maximum 30 dwelling units / acre	<b><u>44.95</u></b> <b><u>dwelling units / acre</u></b>	27.52 dwelling units / acre
Side Yards	6.1 Feet (western side of 502 Gibbon)	Minimum 5 Feet	<b><u>Zero Feet</u></b> (western side)	<b><u>Zero Feet*</u></b> (eastern side)
	28 Feet (southern side of 500 Gibbon)		28 Feet (southern side)	6.1 Feet* (Western side)
Open Space	1,226 Sq. Ft.	Minimum: Either amount existing in 1992 (1,226 Sq. Ft. in total) or 35%	700 Sq. Ft. (Amount existing in 1992 and > 35%)	526 Sq. Ft. (Amount existing in 1992)

\* Approved in BZA#5248 in December 1985. Variance approval may not be necessary for all of these terms today.

SUBDIVISION STANDARDS

Sections 11-1706 and 11-1709 of the Zoning Ordinance contain several technical subdivision requirements and Section 11-1710(D) stipulates a general requirement that all lots meet zone requirements. Section 11-1710(B) requires that every subdivided lot be “of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land in the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.”

A provision requiring new lots to be consistent with the character of other nearby lots has existed in the Zoning Ordinance for many years and was strengthened in 2006 in the first of three “infill” text amendments.

Section 11-1710(B) further explains that the lots within a given subdivision proposal should be compared, for the purpose of determining neighborhood character, to those existing lots located

within the original subdivision area, evidence of which may be shown by: (1) Subdivision plat documents, including amendments to the subdivision over time, as well as the development that has occurred within the subdivision; and (2) land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

#### VARIATION STANDARDS

Pursuant to Section 11-1713 of the Zoning Ordinance, a subdivision request may be approved that creates or continues lots or structures that are out of compliance with zoning requirements if the request meets the standards for a “variation” from subdivision requirements. Section 11-1713 includes three standards to be reviewed as part of the variation process:

- (1) Whether, as a threshold matter, the proposal falls within one of the following circumstances:
  - (A) Extremely rugged topography.
  - (B) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.
  - (C) Insufficient frontage on an existing street where the interior of the tract can be served only by a street substandard in width when not serving more than five lots, provided the street is now less than 30 feet in width. If only a single lot is served, the width may be less than 30 feet. A turn around area may be required.
  - (D) Streets along border of the subdivision where the subdivision borders on unsubdivided land and the remaining street width will be provided from adjacent land.
  - (E) 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;
- (2) Whether substantial injustice will result from strict adherence to the zoning rules; and
- (3) Whether the use or character of the resulting lots or parcels is consistent with the use provisions of the zone in which the property is located or the development in the immediate area.

## **II. STAFF ANALYSIS**

Staff supports the requested subdivision. Although the proposal does not meet the density requirement for proposed Lot 500, the minimum lot frontage/width requirement for proposed lot 501, or the minimum side yard requirement for the structures on either lot, the request meets the standards for approval of a subdivision request with variations, including the standard requiring the new lots to be consistent with the neighborhood character. Ultimately, the request represents the re-approval for technical reasons of a subdivision request first approved by the Planning Commission in 1986.

### **Variation Eligibility**

Section 11-1713(E) requires the property to have existed as a lot of record before January 1, 1952 and that either the gross area of land at the site or the presence of existing structures prevents the proposed new lots from meeting Zoning Ordinance requirements. Staff's review of Sanborn maps confirms that the lot has been in its present configuration since at least 1902. The proposal is also consistent with the second part of 11-1713(E) regarding the presence of existing structures and the gross area of land. The applicants state in their application materials that the structure at 500 Gibbon Street was constructed in approximately 1900, and staff's review of Sanborn maps also confirms this approximate timeframe. Viewed in combination with the existing 1986 single-family dwelling, the presence, location, and density of existing structures on the property precludes compliance with the RM zone requirements. Additionally, the gross area of land involved and the related matter of the property having less than 50 feet of frontage on Gibbon Street in total preclude compliance with the density and lot frontage requirements of the RM zone. Under these circumstances, staff believes that the proposal meets the Section 11-1713 (E) requirement.

### **Neighborhood Character**

Once deemed eligible, a subdivision request with variations requires an analysis of whether the use or character of the new lots is consistent with the use provisions of the zone and with the development in the immediate area (11-1713(A)). Section 11-1710(B) of the Zoning Ordinance requires a similar and largely overlapping analysis for issues of "character" regardless of whether a subdivision request includes a variation. Given that the neighborhood developed over time many years ago rather than through a typical subdivision process, staff has considered for the purposes of lot character analysis those properties on three of the four blocks that meet at the corner of Gibbon and South Pitts Streets. (The fourth block contains only one parcel on which the Lyles-Crouch Traditional Academy is located.)

Of the properties on these blocks, the lots on the south side of Gibbon Street in the 400 and 500 of Gibbon Street (and the northern-most five properties on the 600 block of South Pitt Street) are most important in staff's analysis (see Figure 2 on the following page). Although sharing an overall narrow and rectangular shape with many other lots in the three-block area, the 28 other lots on the south side of the in 400-500 blocks of Gibbon Street are the most similarly-situated properties to the current site given their majority north-south orientation on the east-west-oriented Gibbon Street and their comparative shortness in lot depth compared to properties on north-south streets. With only a few exceptions, these lots are generally smaller than others nearby, are less deep, and are at least as narrow as other lots in the three-block area.



**Figure 2: Similarly-Situated Lots**



This smaller group of lots feature sizes range from approximately 820 square feet to 2,400 square feet, with a majority of the properties measuring between approximately 1,100 and 1,250 square feet. Only one of the 28 other lots is larger than either of the areas proposed for the new lots (1,938 and 1,583 square feet), and a second falls between the sizes of the two new lots. The remaining 26 lots are smaller than those lots proposed in this request. With regard to lot frontages/widths, the 28 properties in question from 11.7 feet wide to 31.5 feet wide, with the most common lot frontages/widths falling between 14 and 17 feet. All of the lots are narrower than the existing lot at the site (46.33 feet on Gibbon), and only one is wider than either of the frontage/width for both of the proposed new lots (25.9 and 20.33 feet on Gibbon). The remaining 27 similarly-situated lots have less lot frontage/width, and in many cases much less, than the lots proposed in the current request. The applicant has also submitted information as part of its application to corroborate the narrow frontages for the properties on the 500 block of Gibbon.

Many of the similarly-situated lots also have zero side yard setbacks. The estimated overall density of the other properties in the 500 block of Gibbon Street is 33.55 dwelling units per acre. The estimated overall density of properties on the northern portion of the block located to to the east (those 11 properties on the even side of the 400 block of Gibbon Street and the five northern-most properties on the even side of South Pitt Street) is 35.76 dwelling units per acre. These densities are both over the RM zone limitation of 30 dwelling units per acre and are close to the 37.11 dwelling units per acre density at the site as it is presently configured. Staff notes that, even though the technical density computations do yield a concentration on proposed Lot 500 under this proposal, the overall density ultimately would not change here as a practical matter because no new dwelling units are proposed.

The new lots proposed in this request fall within the range of lot sizes, and especially lot frontages as compared to the 28 most similarly-situated lots in the area. The majority of the lots also have structures with a zero side yard setback at least on one side and share approximately similar density characteristics. Staff therefore concludes that the new lots would be consistent with the character of other nearby lots as required in Sections 11-1713(A) and 11-1710(B).

### **Substantial Injustice**

The strict application of the Zoning Ordinance in this case would require a much larger and wider lot at the site than exists for any other similarly-situated lots. It would also continue the unusual circumstance of the one lot containing both a two-family and a single-family dwelling, which is not consistent with Zoning Ordinance requirements. While the applicants can continue to use the property as it has been used in the past, they may not divide the land for the purposes of conveying each lot to them individually as intended in the will of the late property owner. That circumstance coupled with the great variance from zoning in the area and on this block combine to create an unreasonable burden that outweighs the land use and development purposes served by the minimum lot frontage/width, density, and side yard provisions. Staff therefore believes the criteria for a substantial injustice have been met.

### **Conclusion**

Based on this information, staff believes that the proposed subdivided lots are consistent with the character of other land and development in the vicinity and are substantially the same character with respect to the noted factors so as not to detract from the value of adjacent property.

For these reasons, staff finds ample justification for approving the subdivision with the requested variations and recommends approval of the request subject to the conditions contained in Section III of this report.

### 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 11-1700 of the Zoning Ordinance. (P&Z)
2. The locations of all easements and reservations shall be depicted on the final subdivision plat. It is the responsibility of the applicant to identify any and all existing easements. No permanent structure may be constructed over any existing private and/or public utility easements. (P&Z) (T&ES)
3. The applicant shall record the final subdivision plat within 90 days of final subdivision plat approval. The applicant shall submit adequate evidence to the Director of Planning & Zoning that recordation of the final subdivision plat has occurred. (P&Z)

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

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Staff Note: This plat will expire 18 months from the date of approval (July 6, 2016) unless recorded sooner.

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- R-1 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. (T&ES)
- C-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- C-2 Any future development/redevelopment on the subdivided lots shall provide adequate storm water outfall per the requirements of Article XI of Alexandria Zoning Ordinance. (T&ES)
- C-3 The development and redevelopment of the subdivided lots shall not adversely impact the storm water drainage or create a nuisance on the public and private properties. (Sec. 5-6-224) (T&ES)
- C-4 Any future development/redevelopment on the subdivided lots shall comply with the requirements of City of Alexandria Zoning Ordinance Article XIII and the applicable laws of the Commonwealth of Virginia at the time of submission of the first final plan for storm water management regarding water quality and quantity control. (T&ES)
- C-5 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-6 The subdivided parcels lie within the CSO Royal Street combined sewer system. Any development/redevelopment of the parcels must address the CSS Management policy pursuant to Memo to Industry 07-14 found here: <http://alexandriava.gov/uploadedFiles/tes/info/MemoToIndustry07-14.pdf>. (T&ES)

##### Code Enforcement:

- F-1 The following comments are for SUB#2014-00015. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Charles Cooper, Plan Review division at [Charles.cooper@alexandriava.gov](mailto:Charles.cooper@alexandriava.gov) or 703-746-4197.
- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

##### Parks and Recreation:

- F-1 No comments received



Police Department:

F-1 No comments

Fire Department:

F-1 No comments or concerns

Archeology:

F-1 Because this project does not involve ground disturbance, no archaeological resources will be disturbed by this project. No archaeological action is required.



**APPLICATION**

**SUBDIVISION OF PROPERTY**

**SUB #** 2014-0015

**PROPERTY LOCATION:** 500 and 502 Gibbon Street, Alexandria, Virginia

**TAX MAP REFERENCE:** 080.02-03-02 and 080.02-03-02.B

**ZONE:** RM

**APPLICANT:**

**Name:** Catherine D. Webster and Margaret Lyne Bourjaily, Co-Executors of the Last Will and Testament of Catharine D. Garber

**Address:** 131 North Washington Street, Suite 2, Alexandria, Virginia 22314

**PROPERTY OWNER:**

**Name:** Same Information as Applicant

**Address:** Same Information as Applicant

**SUBDIVISION DESCRIPTION** Approval of a plat of subdivision to subdivide the existing lot (080.02-03-02) in to two (2) lots to create separate lots for the two dwelling units currently on one (1) lot, to permit the transfer of the dwelling unit to separate owners as provided for in the Last Will and Testament of Catharine D. Garber. Variations are being requested from the strict application of Sections 3-1105(A) Gross Density, 3-1106(2)(A) side yards and 3-1106 and 3-1105(C)(1) frontage.

☒ **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.

Duncan W. Blair, Esq.

**Print Name of Applicant or Agent**

524 King Street

**Mailing/Street Address**

Alexandria, VA 22314

**City and State** 22314 **Zip Code**

**Signature**

703-836-1000

703-549-3335

**Telephone #**

**Fax #**

dblair@landcarroll.com

**Email address**

October 28, 2014, Revised December 5, 2014

**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: Catharine D. Garber of  
the subject property. Co-Executors of Estate of

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.

Catherine D. Webster and Margaret Lyne Bourjaily, Co-Executors of the Last Will and Testament of Catharine D. Garber, 131 North Washington Street, Suite 2, Alexandria, Virginia 22314. 100% interest.

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

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
<sup>1</sup> Catherine D. Webster		100% as co-executor
<sup>2</sup> Margaret Lyne Bourjaily		100% as co-executor
<sup>3</sup>		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 500 - 502 Gibson Street Alexandria 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
<sup>1</sup> Catherine D. Webster		100% as co-executor
<sup>2</sup> Margaret Lyne Bourjaily		100% as co-executor
<sup>3</sup>		

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

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

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

10/28/2014  
Date

Catherine D. Webster  
Printed Name

Catherine D. Webster  
Signature

10/28/2014  
Date

Margaret Bourjaily  
Printed Name

Margaret Bourjaily  
Signature



Subdivision # 2014-0015

**WAIVER OF RIGHT TO AUTOMATIC APPROVAL**

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

**PROJECT NAME:** 500 - 502 Gibbon Street, Alexandria, Virginia

**PROJECT ADDRESS:** 500 - 502 Gibbon Street, Alexandria, Virginia

**DESCRIPTION OF REQUEST:**

Approval of a plat of subdivision to subdivide the existing lot (080.02-03-02) in to two (2) lots to create separate lots for the two dwelling units currently on one (1) lot to permit the transfer of the dwelling unit to separate owners as provided for in the Last Will and Testament of Catharine D. Garber.

**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, for the number of days between 10/28/2014 and 1/6/2015 in excess of 45 days.

Date: October 28, 2014

☐ Applicant

☒ Agent

Signature: 

Printed Name: Duncan W. Blair, Esq

# **SURVEYOR'S CERTIFICATE**

RONALD J. KELLER, HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS IS A SUBDIVISION OF ALL THE LAND CONVEYED BY CATHERINE D. GARBER BY LEVIAN HARVEY YOUNG ON AUGUST 2, 1945 AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA IN DEED BOOK 631 AT PAGE 315 AND IS WITHIN THOSE BOUNDARIES, AND THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE THE COMPLETION OF THE PROJECT. IRON PIPES MARKED THUS -O- WILL BE SET AS INDICATED. GIVEN UNDER MY HAND THIS 8TH DAY OF OCTOBER, 2014.



## **VARIANCE NOTE:**

THESE PROPERTIES ARE SUBJECT TO VARIANCES #6248 AND #5277 THAT WERE GRANTED ON DECEMBER 12, 1985 AND FEBRUARY 13, 1986, RESPECTIVELY. THE TABLES BELOW OUTLINE THE REQUIRED AND PROVIDED CONDITIONS OUTLINED IN THOSE APPLICATIONS. ITEMS MARKED THUS (\*) INDICATE CURRENT FIELD MEASURED CONDITIONS.

## **1985-1986 VARIANCES (500 GIBBON STREET)**

ITEM	REQUIRED	PROVIDED
LOT AREA	2,500 S.F.	1,530 S.F.
FRONTAGE	0'	28' & 30' (CHS)
FRONT SETBACK	6' EX. BLDG. LINE (EX. CONDITION)	0'
REAR SETBACK	0'	0'
REAR SETBACK	15' OR BLDG. HGT. 20'	0' (CHS)
REAR SETBACK	45'	22'
OPEN SPACE	100 S.F.	100 S.F.
P.A.R.	1.5	1.5
PARKING	1	0

## **1985-1986 VARIANCES (202 GIBBON STREET)**

ITEM	REQUIRED	PROVIDED
LOT AREA	1,000 S.F.	1,530 S.F.
FRONTAGE	0'	20.33'
FRONT SETBACK	6'	2.0'
REAR SETBACK	15' (FROM SIDES)	0' & 8'
REAR SETBACK	15' OR BLDG. HGT. 20'	0' (CHS)
REAR SETBACK	45'	22'
OPEN SPACE	100 S.F.	100 S.F.
P.A.R.	1.5	1.0
PARKING	1	0

## **EX. STORM SEWER STRUCTURE INFORMATION**

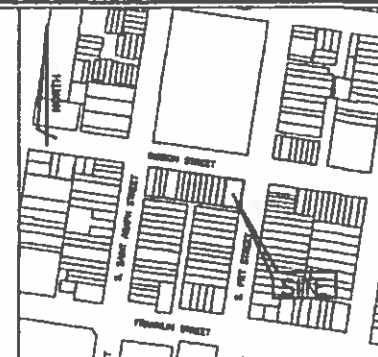
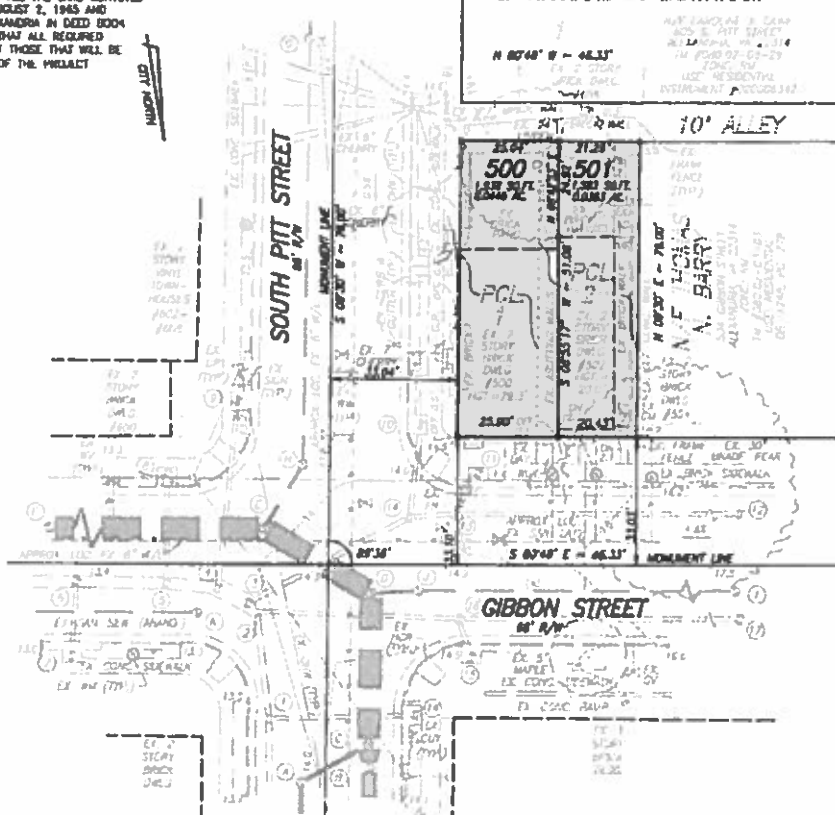
NO.	TYPE	TOP	INV. IN	INV. OUT
1	STM. MAN.	12.30	11.81	11.81
2	STM. MAN.	12.54	12.04	12.04
3	STM. MAN.	12.62	12.12	12.12
4	STM. MAN.	12.68	12.18	12.18
5	STM. MAN.	12.57	12.07	12.07
6	STM. MAN.	12.50	12.00	12.00
7	CLUMP INLET	12.60	12.10	12.10
8	CLUMP INLET	12.65	12.15	12.15
9	CLUMP INLET	12.67	12.17	12.17
10	CLUMP INLET	12.68	12.18	12.18
11	CLUMP INLET	12.69	12.19	12.19
12	STM. MAN.	12.65	12.15	12.15
13	STM. MAN.	12.67	12.17	12.17
14	STM. MAN.	12.68	12.18	12.18
15	CLUMP INLET	12.67	12.17	12.17
16	STM. MAN.	12.71	12.21	12.21
17	STM. MAN.	12.71	12.21	12.21
18	CLUMP INLET	12.71	12.21	12.21

\* DENOTES INVERT COMING FROM A CLUMP INLET

## **EX. STORM SEWER PIPE INFORMATION**

STRUCTURE FROM TO	LENGTH	PIPE SIZE	SLOPE
1 7	20.33'	18"	0.00%
2 3	4.0'	18"	0.00%
3 6	6.0'	18"	0.00%
6 5	13.5'	36"	0.00%
5 8	22.0'	36"	0.00%
7 8	18.0'	18"	0.00%
8 5	38.5'	18"	0.00%
8 6	46.5'	18"	0.00%
12 14	11.8'	18"	0.00%
14 5	24.1'	18"	0.00%
10 14	42.0'	18"	0.00%
11 13	12.0'	18"	0.00%
17 18	12.0'	18"	0.00%
16 2	52.0'	18"	0.00%
15 18	10.4'	18"	0.00%
18 1	30.7'	18"	0.00%

## **PROPERTY OF JOHN L. DONPLAN & RICHARD F. DOWNHAM**



VICINITY MAP  
SCALE: 1" = 200'

## **GENERAL NOTES:**

1. TAX ASSESSMENT MAP # 080.02-03-02 (\$500) & 080.02-03-02.8 (\$502)
2. ZONE: RM
3. OWNER: ESTATE OF CATHERINE D. GARBER  
2102 FOREST HILL ROAD  
ALEXANDRIA, VA 22307  
(DB. 631, PG. 315)
4. TOPOGRAPHIC SURVEY WAS RUN BY THIS FIRM. VERTICAL DATUM USED = NAVD 83, PER CFS CL. INTL. MONUMENT FRANKLIN ST. & ROTAL ST. CL. = 12.96
5. TITLE REPORT NOT FURNISHED THUS ALL EASEMENTS MAY NOT BE SHOWN.
6. PLAT SUBJECT TO RESTRICTIONS OF RECORD.
7. TOTAL SITE AREA = 3,521 S.F. OR 0.0808 AC.
8. THESE LOTS SHALL UTILIZE THE PUBLIC SANITARY SEWER AND WATER LOCATED IN S. PITT STREET & GIBBON STREET. EXISTING SEWER LATERAL LOCATION NOT AVAILABLE.
9. THERE ARE NO RESOURCE PROTECTION AREAS (RPA) OR 100-YEAR FLOODPLAINS LOCATED ON THIS PROPERTY.
10. THERE ARE NO KNOWN CRIME SITES OR OBJECTS MARKING A PLACE OF BURIAL ON THIS SITE.
11. THIS SITE CONTAINS NO KNOWN CONTAMINATED SOILS, UNDERGROUND STORAGE TANKS OR AREAS WITH THE POTENTIAL TO GENERATE COMBUSTIBLE GASES AND IS NOT KNOWN TO BE WITHIN 1,000 FEET OF A FORMER SANITARY LANDFILL, CLUMP OR DISPOSAL AREA.

## **APPROVED**

CITY PLANNING COMMISSION  
ALEXANDRIA, VA

CHORDAN

DATE: DIRECTOR OF PLANNING

PUBLIC IMPROVEMENT BOND(S) APPROVED

DATE: DIRECTOR OF PLANNING

## **PRELIMINARY PLAT**

SHOWING  
RESUBDIVISION OF THE PROPERTY OF  
CATHERINE D. GARBER  
LOCATED AT #500 & 502 GIBBON STREET  
(DB. 631, PG. 315)

CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'  
DATE: 8 OCTOBER, 2014

PLANNING  
LAND SURVEYING  
ENGINEERING  
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

**RCP** FIELDS & ASSOCIATES, INC.

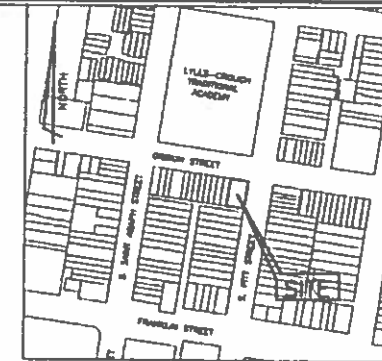
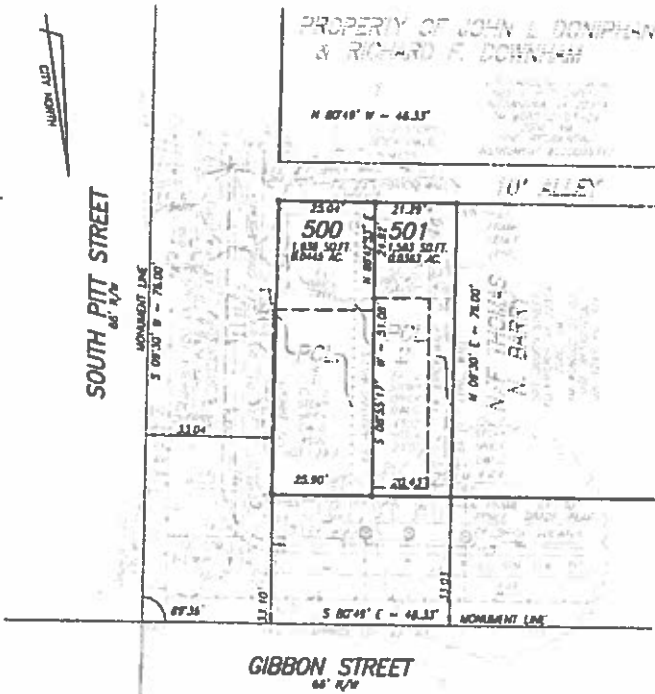
GROUP	1.0	2.0	3.0
SCALE	1" = 20'	1" = 40'	1" = 80'
CHECKED			

FILE NO. 14-40  
SHEET 1 OF 1

# **SURVEYOR'S CERTIFICATE**

I, RONALD J. KELLER, HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THIS IS A SUBDIVISION OF ALL THE LAND CONVEYED TO CATHARINE D. GARBER BY LEHMAN HARVEY YOUNG ON AUGUST 2, 1993 AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA IN DEED BOOK 631 AT PAGE 315 AND IS WITHIN THOSE BOUNDARIES AND THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE THE COMPLETION OF THE PROJECT.

IRON PIPES MARKED THIS-O--WILL BE SET AS INDICATED.  
GIVEN UNDER MY HAND THIS 8TH DAY OF OCTOBER, 2014.



## **GENERAL NOTES:**

1. TAX ASSESSMENT MAP (OBD.02-03-02 (J500) / OBD.02-03-02.B (J502))  
ZONE: RM
2. OWNER: ESTATE OF CATHARINE D. GARBER  
2102 FOREST HILL ROAD  
ALEXANDRIA, VA 22307  
(DB. 631, PG. 315)
3. LIDAR SURVEY WAS RUN BY THIS FIRM. VERTICAL DATUM USED - NAVD 83. PER GPS CL INTL MONUMENT FRANKLIN ST. & ROYAL ST. CL = 12.86
4. TITLE REPORT NOT FURNISHED THUS ALL EASEMENTS MAY NOT BE SHOWN.
5. PLAT SUBJECT TO RESTRICTIONS OF RECORD.
6. TOTAL SITE AREA = 3.521 S.F. OR 0.0808 AC
7. THESE LOTS SHALL UTILIZE THE PUBLIC SANITARY SEWER AND WATER LOCATED ON S. PITT STREET & GIBBON STREET. EXISTING SEWER LATERAL LOCATION NOT AVAILABLE.
8. THERE ARE NO RESOURCE PROTECTION AREAS (RPA) OR 100-YEAR FLOODPLAINS LOCATED ON THIS PROPERTY.
9. THERE ARE NO KNOWN GRAVE SITES OR OBJECTS MARKING A PLACE OF BURIAL ON THIS SITE.
10. THIS SITE CONTAINS NO KNOWN CONTAMINATED SOILS, UNDERGROUND STORAGE TANKS OR AREAS WITH THE POTENTIAL TO GENERATE COMBUSTIBLE GASES AND IS NOT KNOWN TO BE WITHIN 1,000 FEET OF A FORMER SANITARY LANDFILL, DUMP OR DISPOSAL AREA.
11. THESE PROPERTIES ARE SUBJECT TO VARIANCES (J5248 AND J5277) THAT WERE GRANTED ON DECEMBER 12, 1985 AND FEBRUARY 13, 1986, RESPECTIVELY.

APPROVED	
CITY PLANNING COMMISSION ALEXANDRIA, VA	
DATE	DIRECTOR OF PLANNING
PUBLIC IMPROVEMENT BOND(S) APPROVED	
DATE	DIRECTOR T.A.E.S.

**PRELIMINARY PLAT**  
SHOWING  
RESUBDIVISION OF THE PROPERTY OF  
**CATHARINE D. GARBER**  
LOCATED AT #500 & 502 GIBBON STREET  
(DB. 631, PG. 315)  
**CITY OF ALEXANDRIA, VIRGINIA**  
SCALE: 1" = 20' DATE: 8 OCTOBER, 2014

• ENGINEERING • LAND SURVEYING • PLANNING  
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

**RCF** **IELDS & ASSOCIATES, INC.**

FILE NO. 14-40  
SHEET 1 OF 1  
DATE: 10/8/14  
BY: [Signature]  
CHECKED: [Signature]  
APPROVED: [Signature]





## **Subdivision Application: Variation Justification**

### **500 and 502 Gibbon Street Alexandria, Virginia**

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 a property owner from suffering a substantial injustice as the result of the strict application of the zoning regulations.

In this application, there is one legal lot of record that existed as of January 1, 1952 on which two dwelling units have been constructed. The dwelling unit on 500 Gibbon Street is a two family dwelling and was constructed in 1900. The dwelling unit on 502 Gibbon Street is a single family dwelling and was constructed in 1986. In 1986, the Planning Commission approved a plat of resubdivision of 500 and 502 Gibbon into two lots and granted variations from the RM zone regulations pursuant to the then applicable subdivision regulations based on the fact that the request was for approval of a plat of “resubdivision of lots in the subdivisions of record as of January 1, 1952, where, because of existing structures or gross land area of land involved, the subdivided lot would not conform to all of the requirements of the zone in which the subdivision is located.” The 1986 applicant and property owner did not record the 1986 Plat. The current owners are the Co-Executors of the Estate of Catherine D Garber and are requesting the approval of the plat of subdivision in order to carry out the intent of Catherine D Garber’s Last Will and Testament to have the separate lots and dwelling units conveyed to separate beneficiaries of her Last Will and Testament.

In order for the plat of subdivision to be approved and for the dwelling units to be on separate lots, the variations from the strict application of the Ordinance discussed in detail below needs to be granted as part of the Planning Commission action on the application. The proposed lots qualify for variations under Section 11-1700 (A)(5), based on the fact: (i) that existing lot was in a subdivision of record as of January 1, 1952; and (ii) that the proposed lots designated lots 500 and 501 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 the Old Town section of Alexandria, and subsequent resubdivisions in the original subdivision and the RM zone regulations (the “**Regulations**”) governing the use of the proposed lots. Variations are requested from the strict application of the RM zone regulations for: (1) a technical variation from Section 3-1105(A) of the Regulations providing that the gross density shall not exceed 30 units per acre. Proposed lot 500 is a two family dwelling and based on its proposed lot size of 1,938 square feet, if calculated separately that lot would have a gross density of more than 30 units per acre. Combined, the two proposed lots would comply with the 30 units per acre. Additionally, Section 3-1105 permits two family dwelling on lots of 1,452 square feet of land which by its terms conflicts with the gross density regulations; (2) variations from the Section 3-1106 (2)(A) of the regulations requiring a 5’ side yards on both of the proposed lots to separate the two dwelling units between the common boundary line. In 1985, the Board of Zoning appeals granted side yard variances to Catherine D. Garber in order to construct the dwelling

unit on proposed lot 501, but that variance lapsed as the 1986 plat of subdivision was not recorded; and (3) a variation from Section 3-1105 (C) (1) of the Regulations reducing the required frontage of proposed lot 501 from the required 25' to 20.43'. Both lots complied with the lot frontage requirements in 1986. The three variations are all within the scope and justification of Section 11-1700 (A)(5) of the Ordinance.

The strict adherence of the Regulations for which the three variations are requested, 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 to carry out the intent of the Last Will and Testament of Catherine D. Garber. Further, in this instance the strict adherence of the Regulations 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 the strict adherence of the Regulations. For the reasons stated, variations should be granted and the plat of subdivision approved.

## ADJOINING FRONTAGE PROPERTIES

<b>Tax Map Reference</b>	<b>Plot Width (feet)</b>
080.02-03-02 & 080.02-03-02B	48.3; *proposed lot 500 = 25.90 *proposed lot 501 = 20.43
080.02-03-03	17
080.02-03-04	15
080.02-03-05	14.5
080.02-03-045	14.5
080.02-03-06	14
080.02-03-07	14.6
080.02-03-08	14.6
080.02-03-09	14.6
080.02-03-10	31.5
080.02-03-11	14.4
080.02-03-12	15
080.02-03-13	20

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**From:** Duncan Blair <[dblair@landcarroll.com](mailto:dblair@landcarroll.com)>  
**Sent:** Friday, December 05, 2014 1:58 PM  
**To:** Nathan Randall  
**Cc:** Keller, RJ; Duncan Blair; Angela K. Davis  
**Subject:** RE: 500 and 502 Gibbon Street Subdivision

Nathan: Thank you for the reminder. The open space for lot 500 is in excess of 35% the open space for lot 501 is the amount that was open as of the adoption of the 1992 Zoning Ordinance.

**Duncan Wardman Blair, Esqu...**

Land Carroll & Blair PC

(703) 836-1000 Work

(703) 778-1444 Work

[dblair@landcarroll.com](mailto:dblair@landcarroll.com)

524 King Street  
Alexandria, Virginia 22314

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**From:** Nathan Randall [<mailto:Nathan.Randall@alexandriava.gov>]  
**Sent:** Friday, December 05, 2014 1:30 PM  
**To:** Duncan Blair  
**Cc:** Keller, RJ; Angela K. Davis; Alex Dambach  
**Subject:** RE: 500 and 502 Gibbon Street Subdivision

Thank you, Duncan, for this information. As a friendly reminder, we also recommended in our November 21<sup>st</sup> email that an amended application is needed as well as lot frontage information for other lots in the vicinity in order to assess neighborhood consistency, a review standard in Section 11-1713(A) of the Zoning Ordinance.

Nathan

---

**From:** Duncan Blair [<mailto:dblair@landcarroll.com>]  
**Sent:** Friday, December 05, 2014 11:55 AM  
**To:** Nathan Randall; Alex Dambach  
**Cc:** Duncan Blair; Keller, RJ; Angela K. Davis  
**Subject:** 500 and 502 Gibbon Street Subdivision

Nathan and Alex: Good morning. Attached is the requested Variation Justification. Please let me know if you require any further information. I believe this complies and is fully responsive to your November 21, 2014 email. D

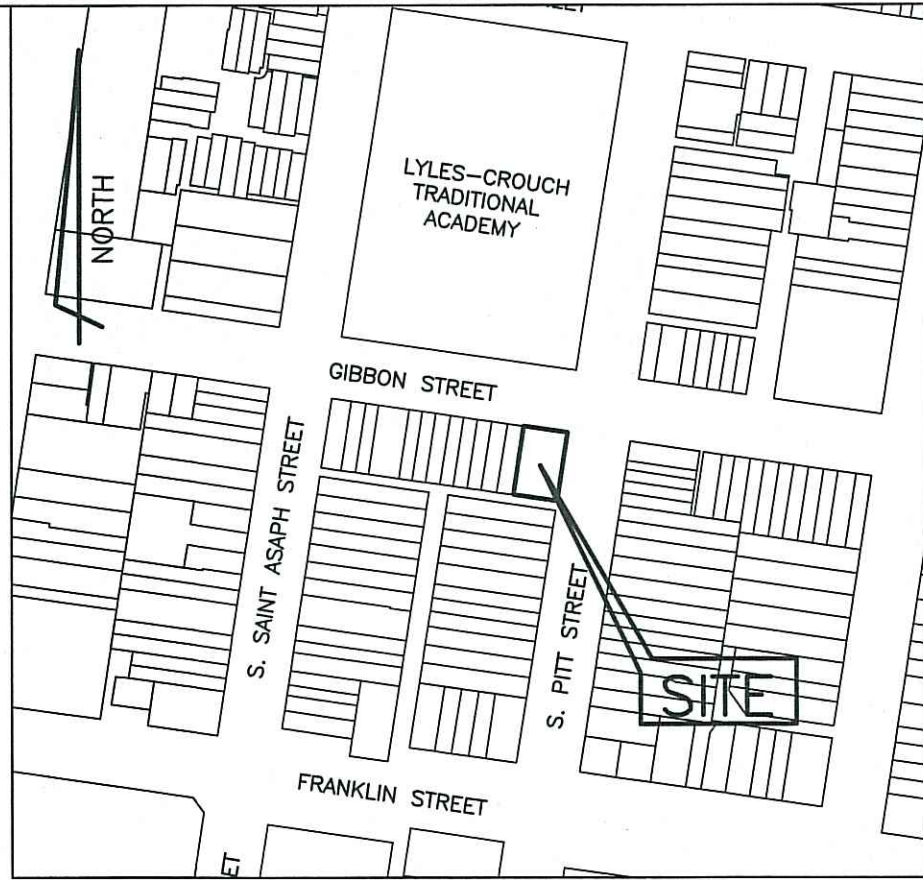


**SURVEYOR'S CERTIFICATE**

I, RONALD J. KELLER, HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THIS IS A SUBDIVISION OF ALL THE LAND CONVEYED TO CATHARINE D. GARBER BY LEHMAN HARVEY YOUNG ON AUGUST 2, 1965 AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA IN DEED BOOK 631 AT PAGE 315 AND IS WITHIN THOSE BOUNDARIES; AND THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE THE COMPLETION OF THE PROJECT

IRON PIPES MARKED THUS —○— WILL BE SET AS INDICATED.

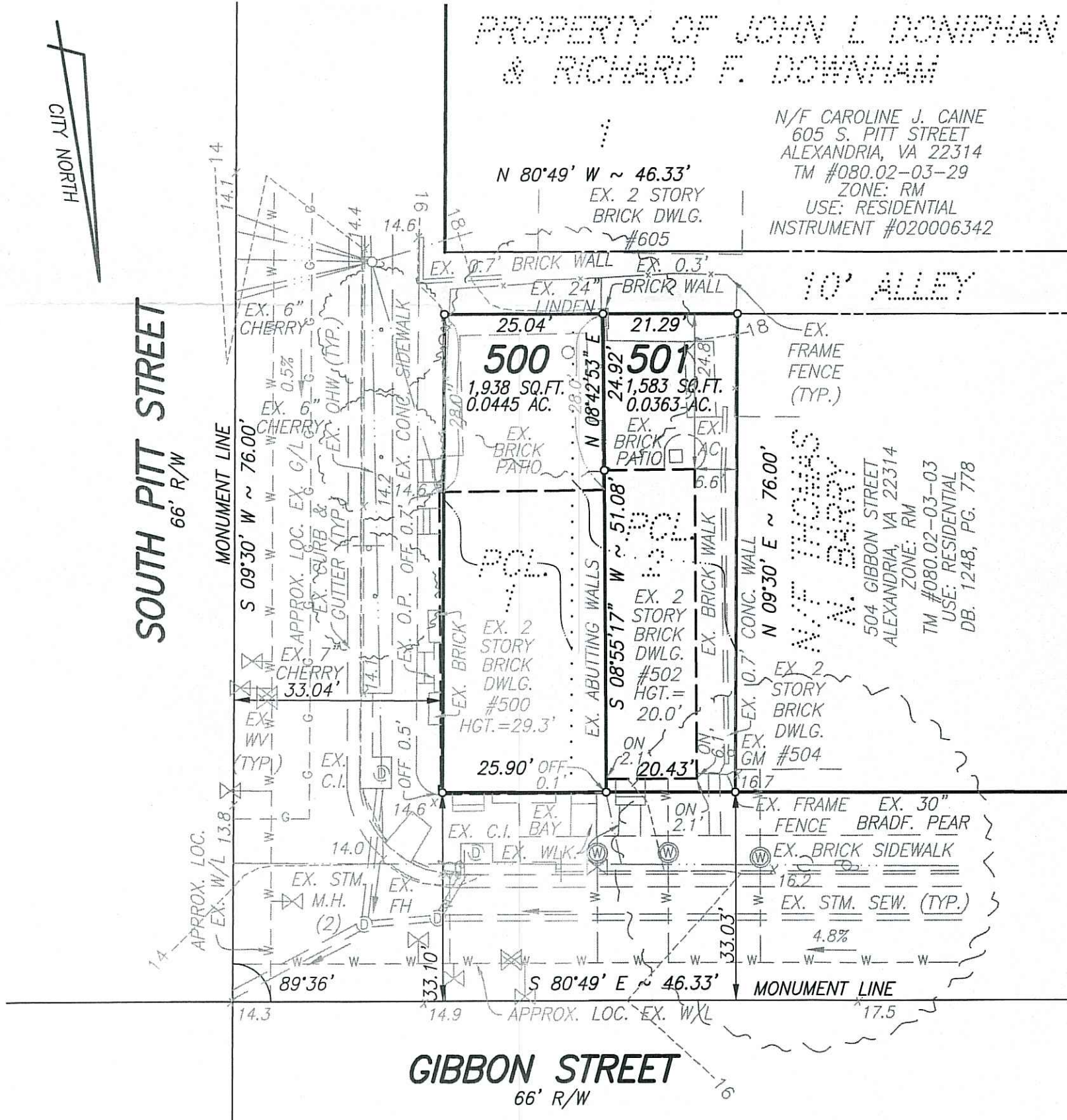
GIVEN UNDER MY HAND THIS 8TH DAY OF OCTOBER, 2014.



**VICINITY MAP**  
SCALE: 1" = 200'

**GENERAL NOTES:**

1. TAX ASSESSMENT MAP # 080.02-03-02 (#500)  
# 080.02-03-02.B (#502)
2. OWNER: ESTATE OF CATHARINE D. GARBER  
2102 FOREST HILL ROAD  
ALEXANDRIA, VA 22307  
(DB. 631, PG. 315)
3. TOPOGRAPHIC SURVEY WAS RUN BY THIS FIRM. VERTICAL DATUM USED = NAVD '88, PER GPS CL INTX. MONUMENT FRANKLIN ST. & ROYAL ST. EL.=12.98
4. TITLE REPORT NOT FURNISHED THUS ALL EASEMENTS MAY NOT BE SHOWN.
5. PLAT SUBJECT TO RESTRICTIONS OF RECORD.
6. TOTAL SITE AREA = 3,521 S.F. OR 0.0808 AC.
7. THESE LOTS SHALL UTILIZE THE PUBLIC SANITARY SEWER AND WATER LOCATED IN S. PITT STREET & GIBBON STREET. EXISTING SEWER LATERAL LOCATION NOT AVAILABLE.
8. THERE ARE NO RESOURCE PROTECTION AREAS (RPA) OR 100-YEAR FLOODPLAINS LOCATED ON THIS PROPERTY.
9. THERE ARE NO KNOWN GRAVE SITES OR OBJECTS MARKING A PLACE OF BURIAL ON THIS SITE.
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11. THESE PROPERTIES ARE SUBJECT TO VARANCES #5248 AND #5277 THAT WERE GRANTED ON DECEMBER 12, 1985 AND FEBRUARY 13, 1986, RESPECTIVELY.



APPROVED	
CITY PLANNING COMMISSION	
ALEXANDRIA, VA	
DATE	CHAIRMAN
DATE	DIRECTOR OF PLANNING
PUBLIC IMPROVEMENT BOND(S) APPROVED	
DATE	DIRECTOR T.&E.S.

**PRELIMINARY PLAT**  
SHOWING  
RESUBDIVISION OF THE PROPERTY OF  
**CATHARINE D. GARBER**  
LOCATED AT #500 & 502 GIBBON STREET  
(DB. 631, PG. 315)  
**CITY OF ALEXANDRIA, VIRGINIA**  
SCALE: 1" = 20' DATE: 8 OCTOBER, 2014

**RC FIELDS & ASSOCIATES, INC.**

ENGINEERING • LAND SURVEYING • PLANNING  
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

PRELIMINARY PLAT  
SUB #2014-0015  
500/502 GIBBON STREET  
SUBMITTED: 10/28/2014

COMP.	T.G. - W.D.S.
DRAWN	W.D.S.
CHECKED	R.J.K.

FILE NO. 14-40  
SHEET 1 OF 1