

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 2, 2015

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR, PLANNING AND ZONING

SUBJECT: SUP#2015-0001: CORRECTION OF THE NORTH ROSSER STREET FRONT YARD SETBACK; 5447 FILLMORE AVENUE

Staff requests two revisions to the staff report.

- 1) After producing the Staff Report, staff discovered that the property at 2617 North Stevens Street should not have been included in the equation for the calculation of the average front yard setback for the site's North Rosser Street side because it does not meet the criteria for Section 7-2503(A), since this property is not on the same blockface as the subject property. It had been inadvertently included in the average calculation sheet provided by the applicant's surveyor, which is included as Attachment #2, page 25 of the staff report. Without including that property, the average front yard setback should actually be 54.4 feet from the curb line instead of 53.8 feet as referenced in the report. All references to the original front yard setback in the staff report should be amended to say 54.4 feet instead of 53.8 feet, and the corresponding requested modification should be amended from 7.30 feet to 7.90 feet.

Staff continues to recommend approval of SUP#2015-0001 subject to the SUP conditions including the following amendment to condition 2:

2. **CONDITION AMENDED BY PLANNING COMMISSION:** A modification shall be granted to allow the front yard setback of ~~46.5~~ 47.1 feet facing North Rosser Street, where ~~53.8~~ 54.4 feet is required from the curb face. (~~P&Z~~)(PC)
- 2) A member of the Planning Commission has requested removal of the following clause from the second-to-last sentence on page 8 of the staff report in order to clarify that this clause is not an explanation of why the proposed house is compatible with the neighborhood. Staff agrees with this suggestion.

~~"While the resulting dwelling is taller than the adjacent home on Fillmore Avenue, staff concluded that the new home is still compatible with the overall neighborhood, where a number of homes are two-stories, and the new home is smaller than what would have been previously allowed prior to the single-family infill regulations."~~

SUP#2015-0001

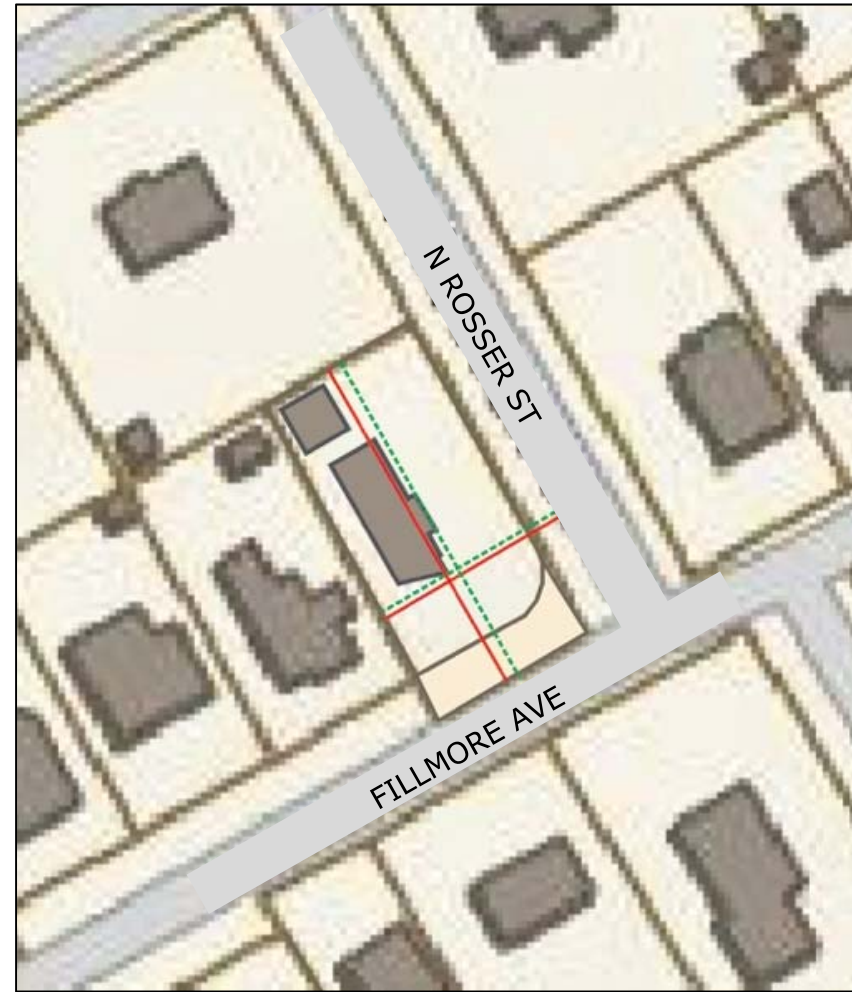
5447 Fillmore Avenue

Front Yard Setback Diagram

- Modification request of 7.90 feet into the front yard setback along North Rosser Street.
- 5.50 feet for front porch.
- 2.40 feet for front building wall.

Required front yard setback ————

Proposed front yard setback - - - - -



SUP#2015-0001
5447 Fillmore Avenue

Proposed Building Footprint Diagram



Land conveyed to the
City for right of way.

March 2, 2015

Planning Commission
City of Alexandria
City Hall
Alexandria, Virginia

RE: Docket Item 7, Special Use Permit #2015-0001

Members of the Planning Commission:

Our home at 5465 Fillmore Avenue is three lots away from the parcel for which this SUP is requested. We have reviewed the docket material, and have met with the applicant at the site, who answered our questions to our satisfaction.

Overall, we have no objection to this site being developed, especially for an owner-occupant designer who will construct a passive home. The key to the need for the SUP is the size of the lot (approximately 10,000 SF) in an R-20 zone. Our home is on a slightly smaller lot, in the same R-20 zone, and yet it fits in well with the neighborhood, as the majority of lots in the immediate area of this applicant's parcel are grandfathered in despite their being roughly half the zone's requirement.

We do have some concerns, which we believe can be addressed by the applicant with your approval. The specific issues are:

- The applicant, desiring approval, has met the side yard set-back of 12 feet, next to the home of our neighbors, the Carvers, at 5451 Fillmore Avenue. The applicant's lot is a corner lot, so he has two side yard setbacks to deal with. The 12 foot value is not uncommon in our neighborhood, and while close, it is not too bad for most of us because it is the end or side of our house that is as close as 24 feet from the end/side of the one next door. In this case, though, the Carvers will have a solid wall house that is two-stories high. In the sense of the zoning code, it likely doesn't block air or light, but it is far too impactful of views, creating a closed-in feeling for the Carvers in a neighborhood that is otherwise very open and natural. It is far too urban a situation, but this issue can be fixed. **We urge the Commission to work with the applicant to shift the house closer to N. Rosser Street.** The house, as proposed, would have a very large/deep "front yard" on N. Rosser, while having little "side" yard against the Carvers. The house at 5445 Fillmore, across Rosser from the applicant's parcel, is well set back, and the street is wide enough, so that they should not



feel hemmed in the way the Carvers will if the 12-foot setback is maintained. The applicant has stated to us that he is willing to shift his house closer to Rosser and away from the Carver's home, **so we urge you to agree that this makes sense for all, and give approval on that condition.** We suggest at least a ten shift, which would bring the side lot to ~ 22 feet, and the front lot (on Rosser) to ~ 36 feet. But the details are something that future good neighbors, the applicant and the Carvers, can set by mutual agreement, with your blessing.

- The height of the proposed home relates to the previous issue, and is not a specific concern on its own. The staff report concludes as follows: "While the resulting dwelling is taller than the adjacent home on Fillmore Avenue, staff concluded that the new home is still compatible with the overall neighborhood, where a number of homes are two stories ..." We disagree. Of the 27 homes along the first two blocks of Fillmore south of Seminary Road (the neighborhood that was annexed as developed into the City in 1952), only 7 of the houses are two stories. Most are 1.5 stories (Cape Cod design); the balance are single story (ranch or raised ranch). So this house will be taller, which is not an objection independently, but rather only due to its proximity to the Carver home at 5477. **The height of the back wall of this house that will face the Carver property all the more justifies the desirability of shifting the house closer to N. Rosser and away from the Carver home.**

There is no apparent harm done to anyone if the placement on the lot is closer to N. Rosser Street. The benefits of the shift will accrue:

- to the applicant, who gains a useful rear lot that his family can enjoy
- to the Carvers, who will not be so closed in
- to the neighborhood in terms of a more aesthetic arrangement of homes which are interesting by the varied age and architecture
- to the City in terms of an unproductive lot being turned into a creative, tax-revenue generating example of passive design
- to us all, as we add a new neighbor who provides a continuation of the sense of community in this block through the infusion of a young family and a willingness to consult and cooperate with his future neighbors.

Thank you for your consideration.

Owen and Lela Curtis
5465 Fillmore Avenue, Alexandria, VA 22311

From: Christine Coker <christine.buke@gmail.com>
Sent: Monday, March 02, 2015 11:34 AM
To: PlanComm
Cc: nancarver@comcast.net; 'Beth'
Subject: Filmore & Rosser Street lot - building variance request

I am opposed to the request for variance submitted for the house/building plan on the empty lot at Filmore and Rosser Street.

The lot line limits for building structure should not be modified to squeeze this house plan onto what is already a small lot. The neighbors on both sides will have structure incringing on their site line, and the close proximity of buildings is not attractive.

I do not like seeing the commission allowing a variance that does not benefit the neighbors and neighborhood, and only benefits the buyer/builder on this lot.

This variance would only open the door for more requests to squeeze too-big houses onto too-small lots.... This neighborhood, especially to the west of the property, has a spacious comfortable feel, and allowing this builder to squeeze a house on this lot would ruin that.

Christine Coker

3156 N. Rosser Street Alexandria, VA 22311
(h) 703-820-2956 (w) 703-931-3290 x 107

christine.buke@gmail.com

From: Louise Van Diepen <louisevandiepen@gmail.com>
Sent: Monday, March 02, 2015 4:55 PM
To: PlanComm
Cc: nancarver@comcast.net
Subject: Filmore & Rosser Street lot - building variance request

The purpose of this email is to communicate my strong objection to the request for variance submitted for the planned house on the empty lot at Filmore and Rosser Street. I am a Dowden Terrace homeowner.

While the lot may be large enough for the house as designed, the lot development significantly changes the character of the neighborhood and diminishes value. Approval of the variance is likely to be used a precedent and lead to further subdivision of lots in the proximate areas. The Board's reference to the variation in housing styles in the immediate area does not take into account the overall character of Dowden Terrace properties and homes. Dowden Terrace is desirable to the extent that it can maintain its character of large lots with single family dwellings. That character provides this neighborhood with its greatest value for homeowners. If the variance is approved, it will detract from the character (and value) of the neighborhood.

The proposal must first be evaluated on the fundamental impact of the zoning variance on the neighborhood--not the technical aspects of the proposed home. The property should be maintained as an empty lot or, alternatively (and if viable), adjoined to adjacent properties through acquisition by the owners of those properties.

Louise Van Diepen
3148 N. Rosser St.
Alexandria, VA 22311.

From: nick kuhn <nkuhn98@yahoo.com>
Sent: Monday, March 02, 2015 9:37 PM
To: PlanComm
Subject: 3/3/15 Planning Commission Meeting

Reference: 5447 Fillmore Ave, Alexandria Va 22311

Dear Commission Members,

I understand you will be reviewing the application to allow for the construction of a new home to be built at the above address on a substandard lot. In reviewing the material on file for this application I have several concerns. Please investigate these issues more thoroughly before approving this project.

1) The design is for a very large house and garage to occupy the majority of the subject lot's western property boundary with the existing home at 5451 Fillmore Ave. One of the requirements, per the city code, to allow for approval to build on a substandard lot is that the proposed building, *"will not unreasonably impair an adequate supply of light and air to adjacent property"*. There does not seem to be any information provided showing how the placement and size of the new construction will impact the existing adjacent property. Is there adequate "light and air to the adjacent property"? Will that property now be literally in a shadow as a result of the size and proximity of the proposed new construction?

2) The intersection of Fillmore Ave and North Rosser street is not an "aligned" intersection. A visit to the site will confirm this. Rosser St to the south of Fillmore Ave does not align with Rosser St to the north of Fillmore Ave. Visibility at this intersection is poor, compounded by the fact that drivers often don't stop for the stop signs. I am very concerned about the safety and additional risk for bicyclists, pedestrians and motorists should a reduction in the required setback on Rosser street be approved for this site at Fillmore Ave & North Rosser St.. I ask that you **not** reduce the required, by code, setback for construction on the North Rosser Street side of the property. The proposed house size is just too big for this site.

Thank you for your consideration.

Nick Kuhn

Nancy Carver

5451 Fillmore Avenue
Alexandria, VA 22311
703.824.1742 H/703.881.1060 C
nancarver@comcast.net

March 1, 2015

City of Alexandria
Planning Commission
301 King St., Room 2400
Alexandria, VA 22314

RE: DOCKET ITEM #7 Special Use Permit #2015-0001 5447 Fillmore Avenue

To The Commission:

I am the property owner of 5451 Fillmore Avenue and I am writing to oppose the proposed exception to the R20 zoning of the lot directly next to my property. My husband and I purchased our house in 1994 and at the time were concerned with the empty lot next door. We were told that it was and still is not a buildable lot as it as the City zoning established R20 zoning and this lot is barely half that size (10,141 square feet). My husband has checked with the zoning office over the past several months since the heirs have put the lot on the market and was told, although not officially, that the chances of an exception being made were slim as the lot is so much smaller than the required 20,000 square feet.

Since moving into the Dowden Terrace section of Alexandria my husband and I have had two children, both have gone through the ACPS school system starting with John Adams our neighborhood school, Hammond, Minnie Howard and TC Williams. Our son graduated from TC in 2013 and our daughter is currently a junior there. We have been active in the community through various youth sports where our children played and my husband coached, we have been active with the PTAs and schools, the Dowden Terrace pool, Girl Scouts, and served on juries as requested. When making additions to our house we have followed the rules, zoning, and code set in place by Alexandria, never asking for an exception.

I do not want a house built on this lot and ask that you consider the wishes of current City residents and uphold the City zoning code. As far as I can tell the heirs have no ties to the neighborhood or Alexandria and it seems unfair for anyone to request this much of an exception from the current and long-time residents and City taxpayers. While I understand this is a simply business deal for them and the realtor, please consider negative implications for the families who live here and will continue to live in the City of Alexandria. This is my property and

neighborhood and I do not want to wake up to the back of a house outside my dining room window blocking the sunlight and my view. This lot is unbuildable and the City needs to enforce its own regulations and not allow for an exception.

It seems the sole argument for building on the substantially substandard lot is that the other properties in the neighborhood are on smaller lots. Our house was built around 1949 and at some point the City saw fit to institute 20,000 square feet as the zoning law. I am sure the City had good reason to make the cut off 20,000 square feet and consider is a slippery slope when beginning to make exceptions especially when it adversely affects current long-time residents. If the lot were closer to 20,000 square feet an exception might be warranted but a difference of 9,859 is too much of an exception.

I respectfully ask that the City honor its zoning code, stand by current City residents and deny the exception.

Sincerely,

Nancy Carver

Nancy Carver