

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 7, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: KARL MORITZ, DIRECTOR OF PLANNING & ZONING

**SUBJECT: 809 & 811 VASSAR ROAD - APPEAL OF PLANNING COMMISSION
APPROVAL OF SUBDIVISION #2014-0014**

I. Appeal Background

A group of individuals owning property within 300 feet of 809 and 811 Vassar Road is appealing the May 5, 2015 decision of the Planning Commission to approve a subdivision request at 809 and 811 Vassar Road.

Section 11-1708(D)(1) of the Zoning Ordinance states that an appeal of a Planning Commission decision regarding a subdivision request may be made by “the owners of at least 20 percent of the area of the land within 300 feet of the boundaries of the proposed subdivision.” Section 11-1708(D)(2) further states that any appeal shall be made in writing and filed with the City Clerk within 15 days of the decision of the Commission. When an appeal is filed, the City Council shall schedule one de novo public hearing on the matter and may affirm, reverse, or modify the decision of the Commission. It may also return the matter to the Commission for further consideration. On appeal, the same standards for subdivision review shall be applied as are established for the Commission.

The appellants submitted the subject appeal on May 20, 2015 (see Attachment A), which was within the 15-day window provided for in the Zoning Ordinance. Staff analyzed the property owner signatures and found that one lot needed to be disqualified because not all of its owners had signed the appeal as required. However, the disqualification had no practical effect on the outcome of the appeal. Staff determined that the land owned by the qualifying signers represented 30% of the land area within the 300-foot buffer around the site (see Attachment B). Given that the 30% figure exceeded the 20% requirement, the appeal was deemed valid and was scheduled for consideration at the City Council hearing of June 13, 2015.

II. Subdivision Request

The applicants for the subdivision request, Mary and Stephen Hales, proposed to re-subdivide two existing parcels into three lots. The purpose of the subdivision request would be to eventually build one new dwelling on the “brand-new” lot in the future. Proposed Lot 625, on which the dwelling at 809 Vassar would remain, would measure 9,891 square feet and have a lot frontage of 59.12 feet and a lot width of 73.9 feet. Proposed Lot 626, the “brand-new” lot in the middle of the project area and the potential site of a new single-family dwelling in the future, would measure 9,452 square feet. It would have a lot frontage of 55.47 feet and a lot width of 66.8 feet. Proposed Lot 627, on which the dwelling at 811 Vassar would remain, would be the largest of the three lots with 14,382 square feet. It would have a lot frontage of 103.98 feet and a lot width of 112.24 feet.

III. Subdivision Requirements

Through decades of case law, the Commonwealth of Virginia has established that the approval of subdivision requests by local government entities is a “ministerial” decision as opposed to a “discretionary” decision. The essential difference between these types of decisions is that, in ministerial decisions, a local government must approve a request if requirements from local ordinances are met, whereas in a discretionary type of case, a local government may decide whether or not to approve a request at its discretion.

In addition to individual zone requirements regarding matters such as lot area, frontage, and width, Section 11-1710 of the Zoning Ordinance includes general requirements for all subdivisions and a lot character requirement. With regard to the matter of lot character, Section 11-1710(B) requires subdivision requests to meet the following standards:

No lot shall be resubdivided in such a manner as to detract from the value of adjacent property. Lots covered by a resubdivision shall 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 within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision. In determining whether a proposed lot is of substantially the same character for purposes of complying with this provision, the commission shall consider the established neighborhood created by the original subdivision, 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.

- (3) No resubdivision shall be approved which results in the creation or the continuation of a lot, building or structure which does not comply with the provisions of this ordinance, unless the commission expressly authorizes a variation pursuant to section 11-1713 of this ordinance.

IV. Recommendation and Initial Approval

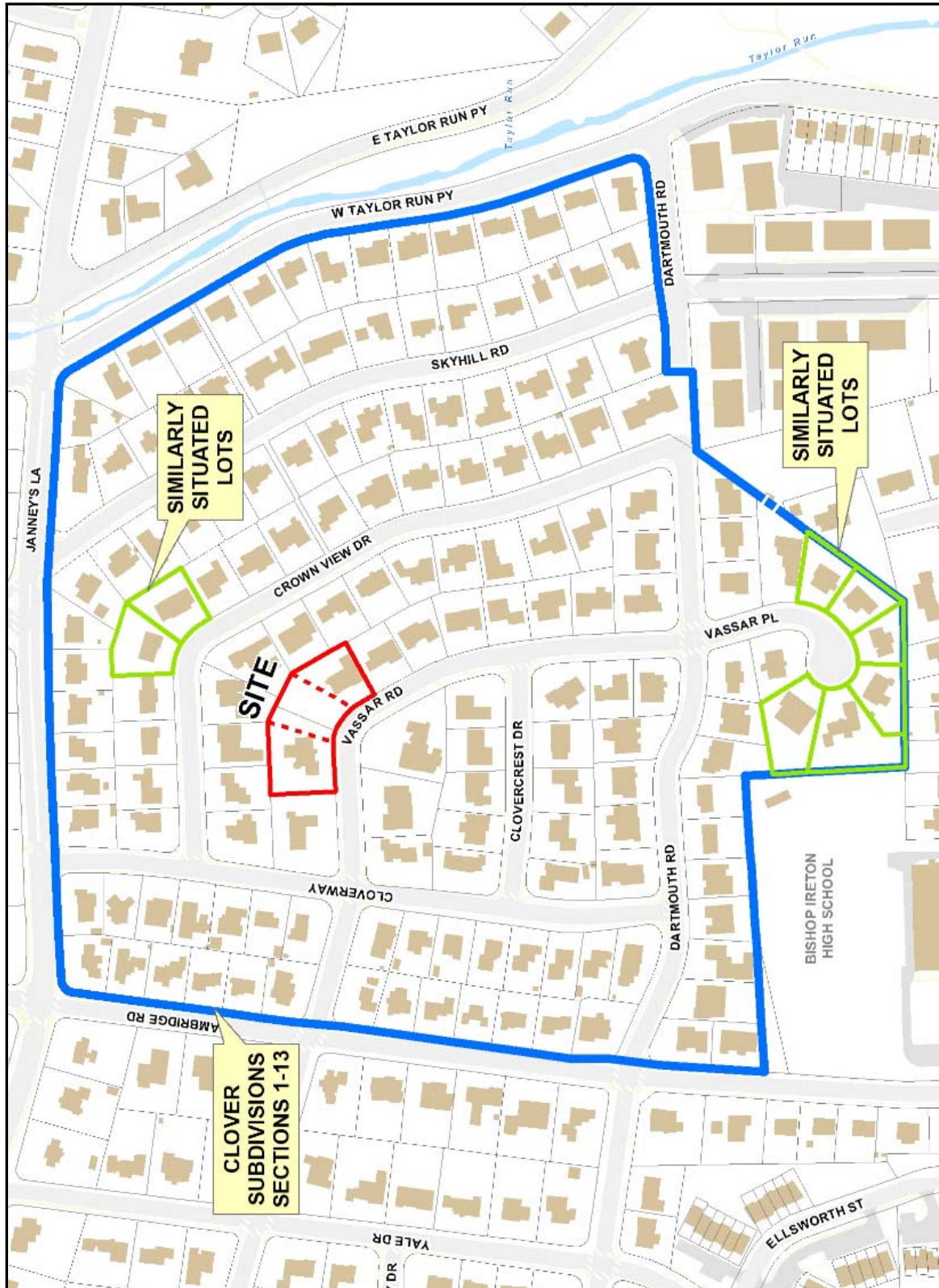
Planning & Zoning recommended approval of the request in its staff report for the Planning Commission's May 5th public hearing (see Attachment C.) All three proposed lots met R-8 zone requirements and were found to meet the lot character requirements. There were no lot character questions or concerns for the largest of the three lots (proposed Lot 627), but staff thoroughly examined the matter of lot character at the other two lots (proposed Lot 625 and 626). It compared each of those lots to similarly-situated lots in the area of comparison with regard to three features: lot area, frontage, and width.

Similar to other recent subdivision cases, the matters of which properties constituted the "area of comparison" and the "similarly-situated lots" were also discussed in the staff report to Planning Commission for this case. Given that an insufficient number of properties existed, for comparison purposes, in the 1961 plat that created the existing properties at the site, in their current configuration, staff determined that the "original subdivision" for comparison purposes – henceforth known as the "area of comparison" – should be all sections of the Clover Subdivision (Sections 1-13). Within this area, staff identified eight lots, as shown in Figure 1 on the next page, that were most "similarly-situated" to the subject site. Unlike most lots in the larger Clover development, these eight similarly-situated properties on Crown View Drive and Vassar Place are positioned on the outside portion of sharply-curved street frontages, just like the subject site. They have at least one, if not two, radial side lot lines projecting from concave street frontages that result in a general lot shape, sometimes considered to be "pie-shaped," that is similar to proposed Lots 625 and 626. The front property lines are also noticeably shorter than the front property lines at lots located along straight or mostly-straight portions of public streets in the area of comparison.

In the analysis, the degree of similarity between the eight similarly-situated properties and each of the two proposed lots regarding area, width, and frontage were measured through a series of six percentage comparisons. If the proposed lots came close in measurement to at least 50 percent of the eight similarly-situated properties in the area of comparison, staff could conclude that the subdivision request would be "of substantially the same character" compared to the similarly-situated lots as required. As noted in the staff report, all six percentage comparisons were at, or exceeded, the acceptable threshold of at least 50 percent of the similarly situated lots. Staff therefore concluded that the proposed lots met the lot character requirement in Section 11-1710(B) of the Zoning Ordinance.

As a part of its analysis, staff concluded that measurements of the eight similarly-situated lots were deemed to be close to the measurements of the proposed new lots if they met one of three circumstances: 1) those similarly-situated properties with *less than* the measurements of the proposed two lots, 2) those similarly-situated properties with the *same* measurements, and 3) those similarly-situated properties with measurements *slightly more than* the measurements of

Figure 1: Area of Comparison and Similarly-Situated Lots



the proposed two lots. As noted in its report to the Commission, staff defined “slightly more than” the proposed lots to be not more than 10 additional feet of lot frontage and width and not more than 1,000 additional square feet of lot area.

At its May 5th public hearing, the Planning Commission voted 5-1 to approve the subdivision request. The majority of the Commission members agreed with the staff analysis, including the lot character analysis and the determination of which properties constituted the “similarly-situated lots.” The minority of the Commission did not agree with the recommended selection of “similarly-situated lots” and also expressed concern that, despite staff’s analysis, proposed Lot 626 should not have less lot width than all of the eight similarly-situated lots.

V. Appellants’ Concerns

In addition to the findings provided in the May 5, 2015 staff report and reiterated in this memorandum, staff has also reviewed the appellants’ appeal documents submitted on May 20, 2015. It offers the following response to each of their specific concerns, which have been summarized in italics.

- A. The staff report used a non-standard and previously unused method of comparing lot width of the new lot to other comparable lots, which skewed the results.*

The appellants appear to be referring to the concern of a Planning Commissioner regarding staff’s deeming of properties exhibiting slightly more lot width than proposed Lot 626 as being sufficiently “similar” to proposed Lot 626 so as to be consistent with regard to lot character. Staff had previously applied this concept to its analysis in the recent Lloyd’s Lane subdivision request, which was denied by Planning Commission in December 2014 and upheld as denied by City Council on appeal in January 2015. The use of the method was a minor element in that case given that few properties in that area of comparison had only slightly more of any of the lot features discussed.

Staff continues to believe that considering properties with slightly more lot area, lot width, or lot frontage is an appropriate quantitative interpretation of the qualitative “similar lot character” question. The majority of the Planning Commission agreed with this analysis as well. It should also be noted that the use of the concept in the subject subdivision case was noted in the published May 5th staff report.

- B. The lots on Vassar Place, which is a cul-de-sac, do not provide a true comparison to the lots on Vassar Road or the similarly-shaped lots on Crown View Drive.*

The Zoning Ordinance requires staff to compare subdivision proposals to those similarly-situated lots within an original subdivision or alternative area of comparison. Staff determined that those lots most similar to the proposal are eight specific lots, indicated in Figure 1 of this memorandum, given their all being situated on the outside of sharply-curved street frontages, and therefore being approximately pie-shaped and having property lines shorter in the front than in the rear. The lots on Vassar Place all share these characteristics even though that street is a cul-de-sac. As long as the similarly-situated

lots are located within the original subdivision or alternative area of comparison, they need to be included with the set of similarly-situated lots regardless of which street they are located on and regardless of the particular measurements of lot area, frontage, or width found at those properties.

- C. The basement of the existing dwelling at 809 Vassar Road was excluded from floor area ratio (FAR) calculations, but only basements that extend less than four feet above grade may be excluded from FAR.*

The applicants submitted information certified by their architect, which was included on page 22 of the May 5, 2015 staff report to Planning Commission, indicating that the 908 square feet of basement area deducted from FAR calculations is below grade with a wall exposure area of 3.33 feet above average grade, which means this area of the dwelling meets the Zoning Ordinance definition of a basement having a wall exposure area not more than four feet above grade. The 908 square feet of basement area is therefore an allowable deduction from FAR measurements.

- D. Contrary to the Planning Commission procedures listed on the City's website, the Planning Commission allowed the subdivision applicants to speak last rather than first.*

Staff has reviewed the documents the City provides to the public on its website and could not find instances in which the Planning Commission hearing process is described as requiring a particular order of speakers. It has been common, consistent practice for many years for the Chair of the Planning Commission to make decisions regarding speaking order and to allow applicants to speak in any order. Standard practices were followed during the May 5th Planning Commission public hearing.

- E. Other residential subdivision requests in recent years have required tree protection measures as a condition of approval, but no such conditions were included in this case.*

It is true that staff has recommended tree protection measures in many, but not all, residential subdivision cases in recent years. The tree protection measures are intended to protect specific trees, often medium-to-large sized trees, from being damaged during construction of a future single-family dwelling on the property. It is important to note that the scope of these measures is only limited to their being damaged during construction, and would not necessarily prevent them from being protected in perpetuity. In this case, many trees on the lot are small, and most of the relatively few larger trees are located near the edges of the property generally within existing required zoning setback areas. Staff therefore believed it was not necessary in this case to recommend tree protection condition language.

VI. Conclusion

Staff continues to find that proposal meets Zoning Ordinance requirements for subdivision approvals and continues to recommend approval based on the information and conclusions contained in the May 5, 2015 staff report and as further supported in this memorandum.

Enclosures:

Attachment A – Appeal Documents

Attachment B – Staff Appeal Map & Analysis

Attachment C – May 5, 2015 Staff Report to Planning Commission

Attachment D – Subdivision Plat

ATTACHMENT A

506 Crown View Drive
Alexandria, VA 22314

May 19, 2015

BY HAND DELIVERY

Mayor William D. Euille
Alexandria City Council
301 King Street, Suite 2300
Alexandria, VA 22314

MAY 20 2015

*received by
Glenn Sitter
DCC*

Re: Appeal of Subdivision 2014-0014
809 and 811 Vassar Road

Dear Mayor Euille and City Council Members:

We are writing to respectfully request an appeal hearing for the above-referenced subdivision case, which was decided on May 5, 2015. We are citizens of the Clover neighborhood who will be directly impacted by this subdivision and any resulting future construction. Our concerns are as follows:

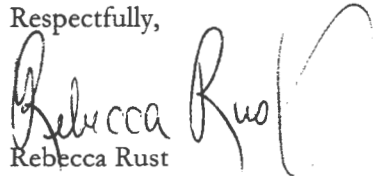
1. The Staff Report used a non-standard and previously unused method of comparing lot width of the new lot to other comparable lots, which skewed the results. This method that was so instrumental in leading to a recommended approval, despite the concerns of several members of the Planning Commission, should be published, codified, and made available to citizens.
2. The Staff Report used comparably shaped lots on Vassar Place. Vassar Place is a cul-de-sac in the neighborhood and should not be confused with Vassar Road. These lots are noticeably smaller in lot frontage than the similarly-shaped lots on Crown View Drive as a result of being on a cul-de-sac and do not provide a true comparison.
3. The square footage of the house on 809 Vassar Road that was used in the Staff Report did not include the basement. A basement can be left out of square footage calculations if it is less than four feet above grade on average. The survey measurements in the application did not report the height of the first floor and used a non-standard measurement process that may have resulted in a misleading average.
4. The Planning Commission hearing did not follow the presentation order provided to citizens. The Planning Commission webpage indicates that the staff presents its report, the applicants get a chance to speak, and then citizens have the right to speak. At the May 5th hearing, the applicant asked for and was given permission to speak last. The applicant time was used by an attorney who discounted neighborhood concerns and demanded that the subdivision be approved. When one of the neighbors tried to rebut the attorney's assertions, the neighbor was told that she had already had her chance to speak and must be silent. We believe that the published procedure should have been followed.
5. Staff reports for many of the residential subdivisions over the past three years have included concerns over tree protection and other issues which could potentially arise during future construction. These issues were not addressed in the Staff Report for 809 and 811 Vassar

Road. There is a large, scenic tree in the "new" lot which neighbors feel is worthy of protection, and no mention was made of that particular feature.

We will be meeting with City staff over the next week or two and will be collecting additional information on this matter.

We would appreciate the opportunity to present our case before the City Council. Thank you for your consideration, and we look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read "Rebecca Rust", with a large, sweeping flourish extending from the end of the name.

Rebecca Rust

(On behalf of Clover residents opposed to the subdivision of 809 and 811 Vassar Road)

Attachment: Signatures of Clover residents opposed to subdivision

CC: Vice Mayor Allison Silberberg
Councilman John T. Chapman
Councilman Timothy B. Lovain
Councilwoman Redella S. Pepper
Councilman Paul C. Smedberg
Councilman Justin Wilson ✓


May 17, 2015

We, the undersigned, would like to officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of the two lots at 809 and 811 Vassar Road, as detailed in the attached letter.

	Name	Address	Phone	Signature
1	Zorana ILIC	500 Crown View Drive	703-624-7684	Zorana Ilic
2	Georgia DeBell	407 Cloverway Dr.	703-212-7469	Georgia DeBell
3	Doug Craig	407 Cloung Dr.	703-212-7469	Doug Craig
4	M.L. Russell	415 Crown View	703-511-2575	M.L. Russell
5	Peter Ipsen	402 Crown View	(703) 321-6285	Peter Ipsen
6	Greg Herbold	316 Crown View Dr	703-324-6871	Greg Herbold
7	Natinda Mount	312 Crown View Dr	703-370-3530	Natinda Mount
8	JOHN SIEGMUND	315 Crown View Drive	703-751-6072	John Siegmund
9	Katherine Leon	404 Crown View Drive	511-312-0691	Katherine Leon
10	Debra Nagle	408 Crown View Dr	703-739-9863	Deborah G. Nagle
11	Rebecca Rust	506 Crown View Drive	703-151-1620	Rebecca Rust
12	Julia M.	514 Crown View Drive	703-244-2041	Julia M.
13	Deana Rhodeside	414 Crown View Dr.	703-307-3947	Deana Rhodeside
14	Ann Spitler	314 Crown View	703-370-1707	Ann Spitler
15	C. Wayne Summers	407 Crown View	703-461-3534	C. Wayne Summers

May 17, 2015

We, the undersigned, would like to officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of the two lots at 809 and 811 Vassar Road, as detailed in the attached letter.




	Name	Address	Phone	Signature
16	Deborah L Dawson	805 Crown View Alex VA 22304	71 751-8030	
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				





809-811 Vassar Road Subdivision Petition

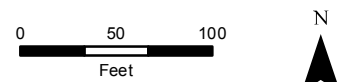
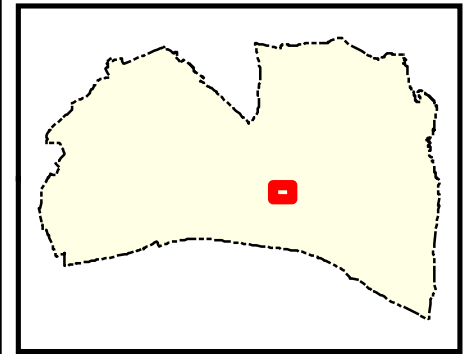
City of Alexandria

Legend

-  Subdivision Parcels
-  Subdivision 300ft Buffer
-  Parcels

Petition Signature

-  Yes Signature
-  No Signature



This Parcel-Address-Building template was produced by the GIS Division of the Department of Planning and Zoning, City of Alexandria, Virginia

Mapping Standards:
Coordinate System - NAD83 State Plane Virginia North
Projection - Lambert Conformal Conic
Map Units - Feet

The maps provided hereunder are provided "as is" and the City expressly disclaims all warranties, UCC and otherwise, express or implied, including warranties as to accuracy of the maps and merchantability and fitness for a particular purpose, and further expressly disclaims responsibility for all incidental, consequential or special damages arising out of or in connection with the use or performance of the maps.

Map Produced:
May 2015



Calculations for Petition: 809-811 Vassar Road subdivision

Total Land Area within 300 Ft Buffer (sqft)	397,718
Signatures Acquired - Condo Based Parcels (sqft)	0
Signatures Acquired - Non-Condo Based Parcels (sqft)	118,457
Total Area Obtained by Signatures (sqft)	118,457
20% Required for Petition (sqft)	79,544
Petition meet requirements?	YES



ATTACHMENT C

DOCKET ITEM #8
Subdivision #2014-0014
809 & 811 Vassar Road

Application	General Data	
Request: Public hearing and consideration of a request to re-subdivide two lots into three lots.	Planning Commission Hearing:	May 5, 2015
	Approved Plat must be recorded by:	November 5, 2016
Address: 809 & 811 Vassar Road	Zone:	R-8 / Single-Family Zone
Applicant: Stephen and Mary Hales	Small Area Plan:	Taylor Run

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, MAY 5, 2015: On a motion by Commissioner Wasowski, seconded by Commissioner Koenig, the Planning Commission **approved** the request subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 5 to 1, with Vice Chairman Dunn voting against. Commissioner Lyle was absent.

Reason: The majority of the Planning Commission agreed with the staff analysis, including the lot character analysis and the recommendation of which properties were the most “similarly-situated lots.” It also acknowledged that, consistent with a Virginia Supreme Court decision, the Commission could not consider the aesthetics or character of any dwelling that may be constructed on the lot in the future. The minority of the Planning Commission did not agree with the recommended set of “similarly-situated lots” and also believed that the lot width for proposed Lot 626 did not fall within the range of widths found at comparison lots.

Speakers:

Helen Lloyd, Crown View Drive, expressed opposition to the request. She noted that her property is designated as a National Historic Landmark given that former President Gerald Ford once lived there. She expressed concern that future development of proposed Lot 626 would have a negative impact on the neighborhood character generally. She also stated that any new dwelling on proposed Lot 626 would negatively impact the value of, and view shed from, her property.

David Rust, Crown View Drive, opposed the request. He noted historic elements of the neighborhood and believed that the future new dwelling on proposed Lot 626 would loom over the neighborhood. He stated that the staff report lacked an analysis of the effect the proposal would have on property values in the area.

Zorana Ilic, Crown View Drive, expressed opposition to the request. She disagreed with the recommended “similarly-situated lots” to which the proposal was compared, and stated her concerns about stormwater management and potential damage to retaining walls in connection with a future new dwelling on proposed Lot 626.

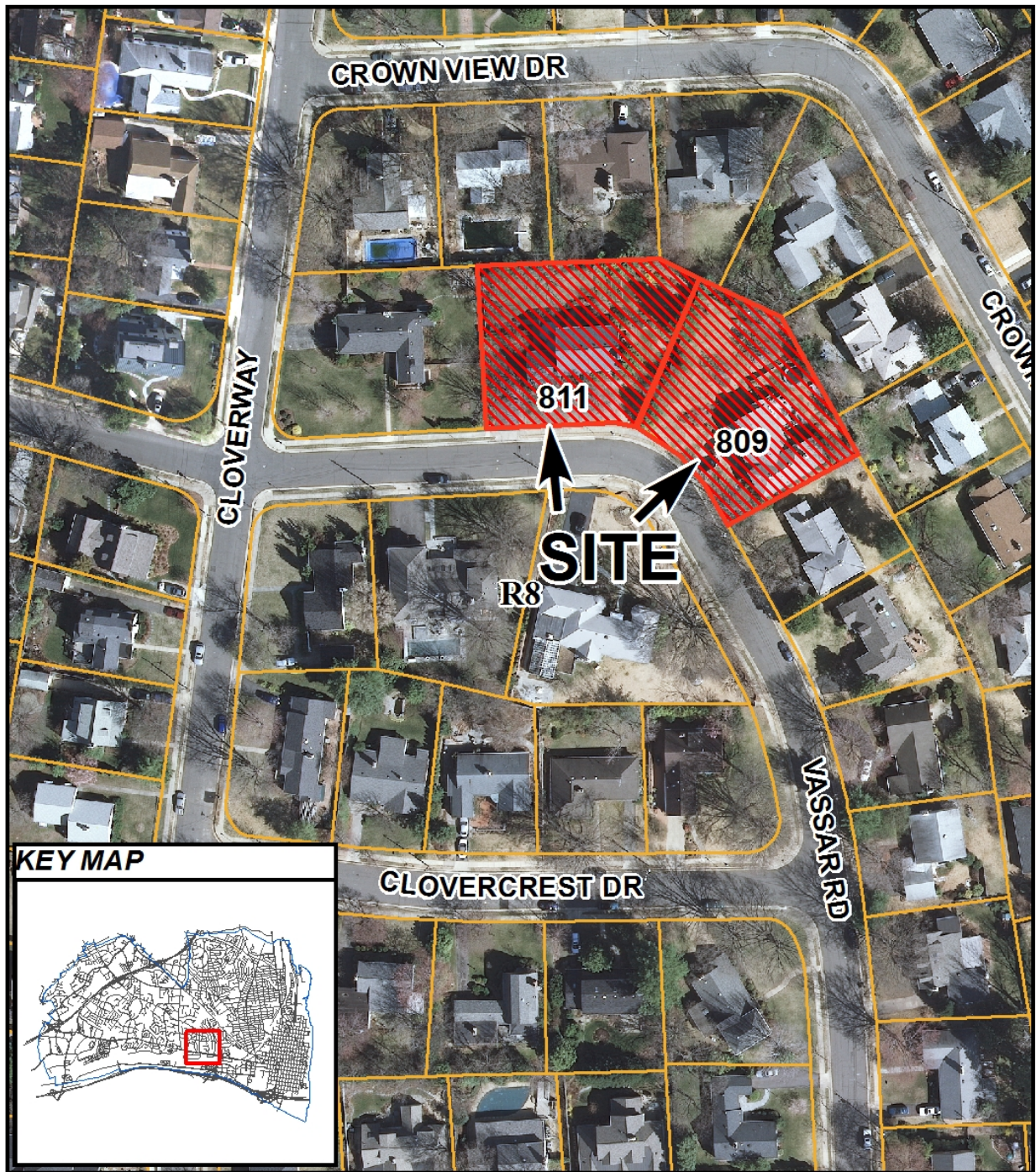
Elliot Rhodeside, Crown View Drive, believed that the subdivision proposal would bring instability to a stable neighborhood. He stated that he disagreed with the staff report and answered questions from the Planning Commission.

Jason Van Wagner, Cambridge Road, stated his support for the request, particularly given the analysis in the staff report. He also noted the existence of other City regulations that would limit the size of any future dwelling.

Don Brady, Crown View Drive, expressed opposition to the request. He stated that a new house in this location would detract from the neighborhood generally, and specifically with regard to property values. He also noted aesthetic and stormwater-related concerns.

Mary Hales, applicant, expressed support for the proposal and referenced her May 4th letter to the Commission. She believed that the subdivision request would add value to the neighborhood and also noted her vested interest in maintaining property values given that she lives immediately next-door to proposed Lot 626. She also answered questions from the Planning Commission.

Mary Catherine Gibbs, attorney for the applicant, spoke in support of the request. She noted that the request under consideration was only for the subdivision and not future development of proposed Lot 626. She referenced several letters of support and stated her agreement with the lot character analysis in the staff report. She also answered several questions from the Planning Commission.



SUB #2014-0014
809 & 811 Vassar Road



I. DISCUSSION

The applicants, Stephen and Mary Hales, request approval to re-subdivide two lots into three lots at 809 and 811 Vassar Road.

SITE DESCRIPTION

The subject site currently comprises two lots of record. The lot at **809 Vassar Road** has 99.97 feet of frontage on Vassar Road, an average lot depth of 115.8 feet and a total lot area of 16,409 square feet. It is improved with a two-story split-level style single-family dwelling. The lot at **811 Vassar Road** has 117.61 feet of frontage on Vassar Road, an average lot depth of 120.8 feet, and a total lot area of 17,316 square feet. It is developed with a two-story Colonial-style single-family dwelling.

The surrounding area is occupied primarily by other single-family dwellings. Bishop Ireton High School is also located a short distance to the south and Douglas MacArthur Elementary School is located a few blocks to the northwest.



SITE / AREA BACKGROUND

Lots within the Clover development were created by several subdivisions approved between the late 1940s and the mid-1960s. **809 Vassar Road** was first created as a separate lot in 1959, albeit in a smaller configuration, as a part of Clover Subdivision Section 11. **811 Vassar Road** was created as a result of a 1961 re-subdivision plat entitled “Resubdivision Lot 25, Block 3 and Addition to Section 11 – Clover.” In that 1961 plat, 809 Vassar Road was enlarged to include land to the northwest, and 811 Vassar Road was added to Clover Section 11 as a brand-new lot. The two lots remain in the same configuration today, and staff considers the 1961 plat to be the “original subdivision” for purposes of this subdivision review.

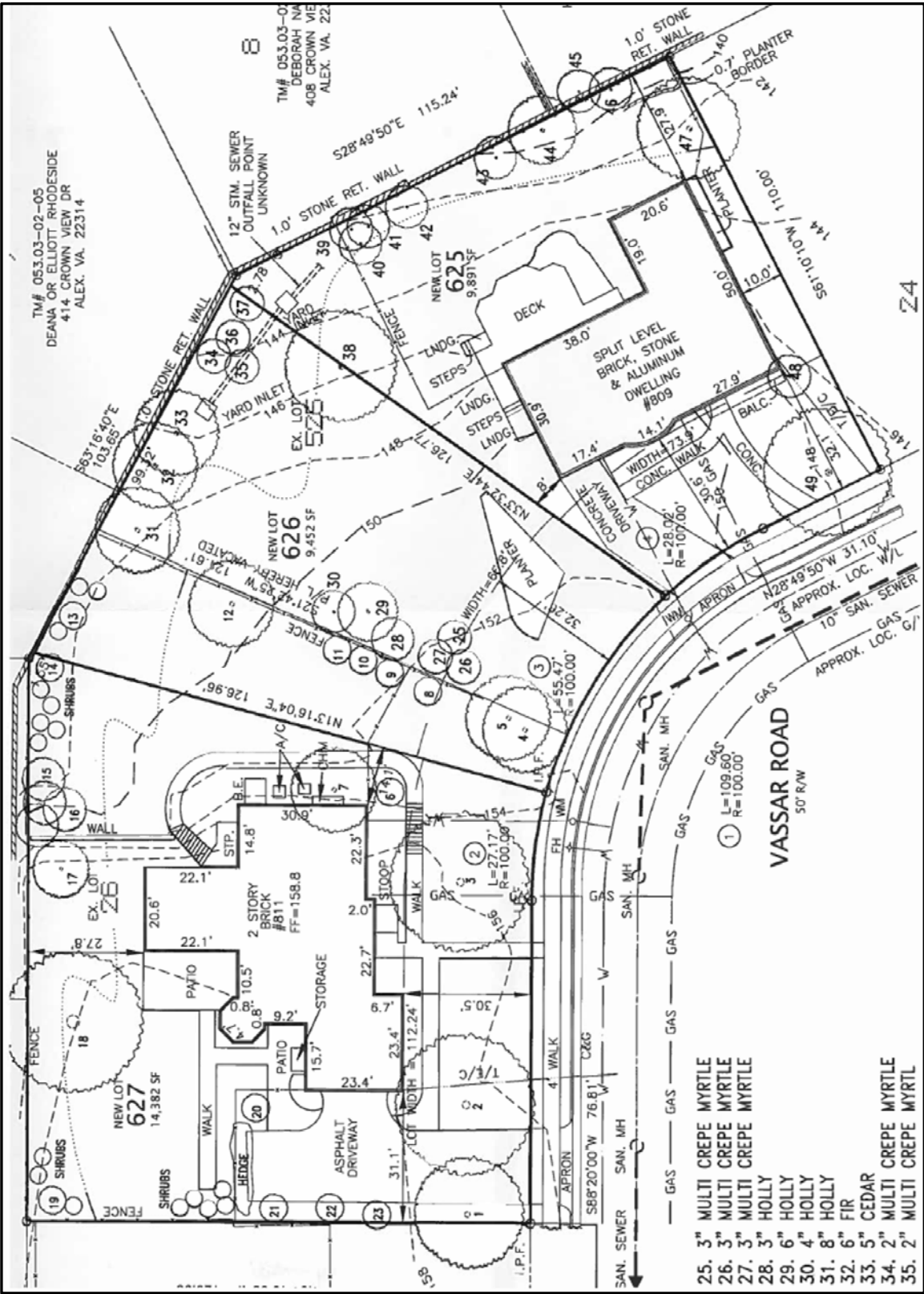
REQUEST BACKGROUND

The applicants initially applied for a subdivision request to adjust the property line between the two existing properties with an intended hearing date of December 2014. In subsequent conversations with staff, they expressed interest in amending their application to create a third lot from the existing two lots. The need for additional information in connection with the second proposal, particularly regarding the existing dwellings, caused the request to be deferred to January 2015. During its review of the second proposal, staff expressed initial concern about whether the brand-new lot (proposed Lot 626) would be consistent with the character of other neighborhood lots as required in Section 11-1710(B) of the Zoning Ordinance. The applicant requested additional time to consider its options, and subsequently presented staff with a third proposal – the current request – which, compared to the second proposal, has a slightly larger lot size and lot frontage for proposed Lot 626 (the brand-new lot), and a slightly smaller lot size and lot frontage for proposed Lot 625 (809 Vassar Road.)

PROPOSAL

The applicants propose to re-subdivide the two existing lots at 809 and 811 Vassar Road into three new lots as shown on Figure 1 on the following page. Although the ultimate purpose of creating a third lot is to eventually build a new single-family dwelling, the applicants have indicated to staff that they have no plans to do so in the immediate future, and may not do so for several years. Proposed Lot 625, on which the dwelling at 809 Vassar would remain, would measure 9,891 square feet and have a lot frontage of 59.12 feet and a lot width of 73.9 feet. Proposed Lot 626, the “brand-new” lot and the potential site of a new single-family dwelling in the future, would measure 9,452 square feet. It would have a lot frontage of 55.47 feet and a lot width of 66.8 feet. Proposed Lot 627, on which the dwelling at 811 Vassar would remain, would be the largest of the three lots at 14,382 square feet. It would have a lot frontage of 103.98 feet and a lot width of 112.24 feet.

Figure 1: Preliminary Subdivision Plat



ZONING / MASTER PLAN DESIGNATION

The property is located in the R-8 / Single-Family zone. As shown in Table 1 below, the proposal meets minimum lot size, frontage, and width requirements for single-family dwellings in the R-8 zone. The existing dwellings also would continue to meet minimum setback and FAR requirements for the R-8 zone. The property is located within the Taylor Run Small Area Plan Chapter of the Alexandria Master Plan, which designates the property for uses consistent with the R-8 zone.

Table 1: Zoning Analysis

	<i>Existing</i>		Minimum Required	<i>Proposed</i>		
	809 Vassar	811 Vassar		Lot 625	Lot 626	Lot 627
Lot Size	16,409 sq. ft.	17,316 sq. ft.	8,000 sq. ft.	9,891 sq. ft.	9,452 sq. ft.	14,382 sq. ft.
Lot Frontage	99.97 feet	117.61 feet	40 feet	59.12 feet	55.47 feet	103.98 feet
Lot Width	121.5 feet	131.24 feet	65 feet	73.9 feet	66.8 feet	112.24 feet
Side Yards	54.5 feet	34.5 feet	1:2 ratio, 8' min	8 feet		14.1 feet
	10 feet	31.1 feet		10 feet		31.1 feet
FAR	0.20	0.27	0.35	0.33		0.33

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.

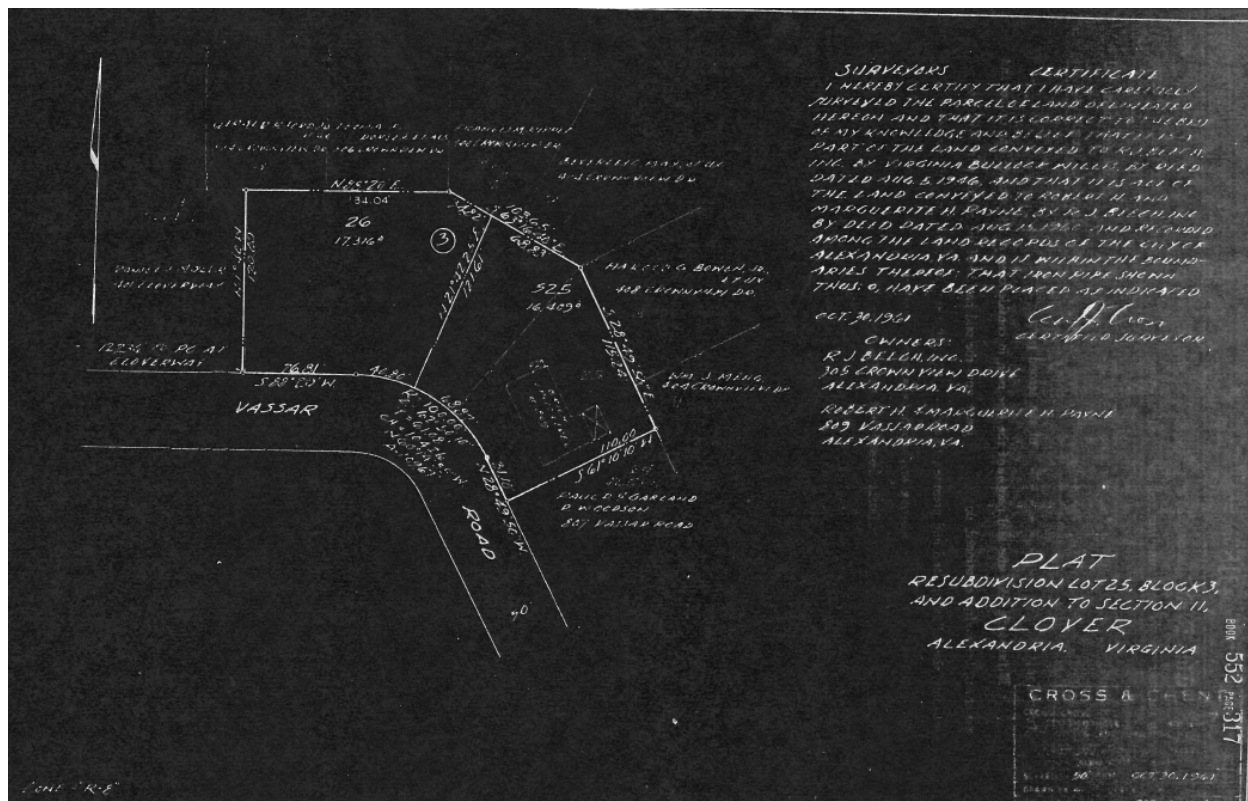
II. STAFF ANALYSIS

Staff supports the requested subdivision. The proposal meets general subdivision requirements as well as technical requirements for the R-8 zone. The new lots also would be consistent with other similarly-situated lots in the area with regard to suitability for residential use, lot size, lot shape, and lot frontage. In reaching this conclusion regarding the proposal's consistency with neighborhood character, staff extensively researched the subdivision history in the Clover development and closely considered the lots that constitute the area of comparison and especially the subset of lots that are most similarly-situated to the subject site.

Neighborhood Character – Area of Comparison

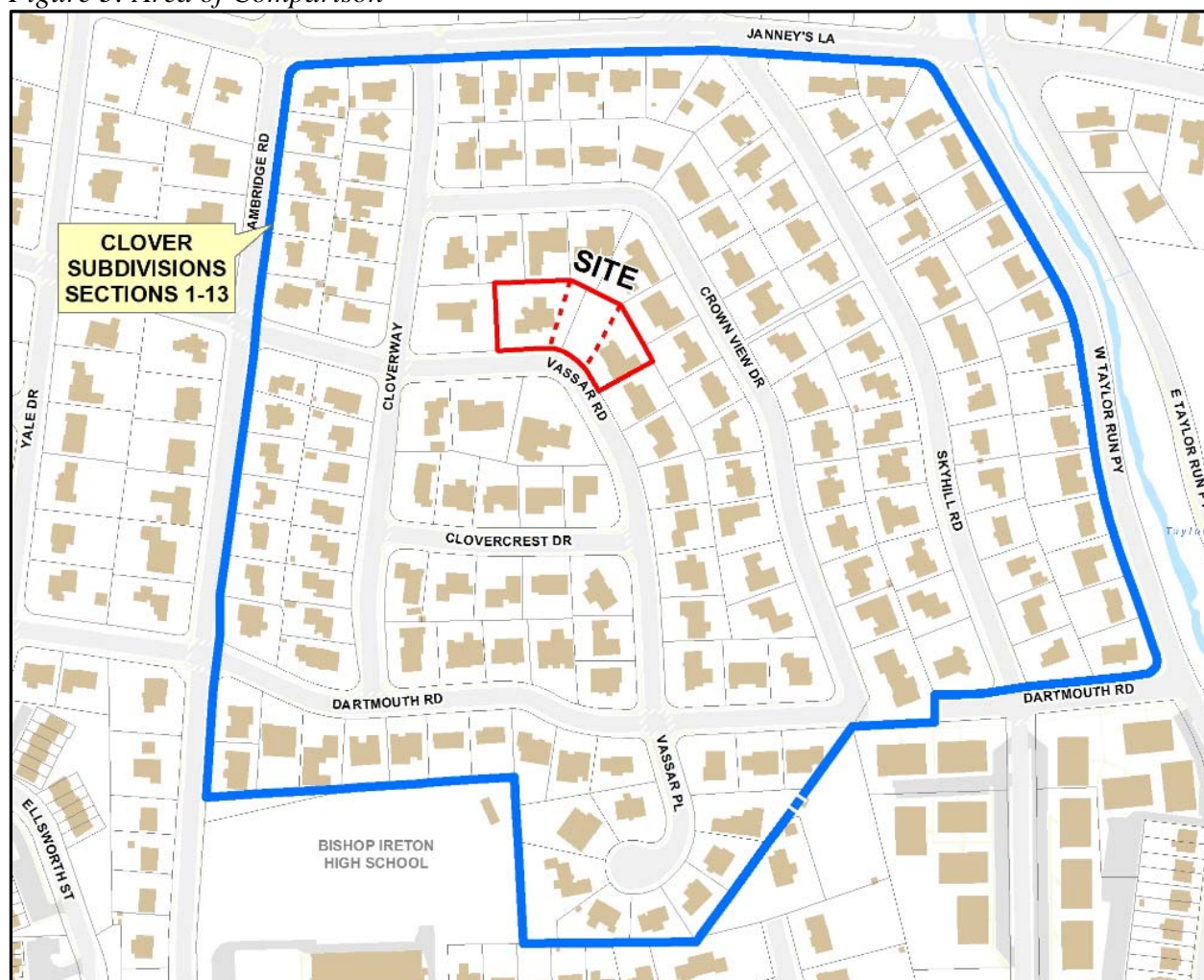
The 1961 plat of resubdivision and addition to Clover Section 11, which created the subject lots in their present configuration, is considered to be the “original subdivision” for the purposes of neighborhood character analysis (see Figure 2 below). However, this subdivision only includes the subject two properties, leaving no other lots to which the current proposal can be compared for the purposes of evaluating neighborhood character. The earlier 1959 Clover Section 11 subdivision plat, another candidate for comparison purposes, only includes two additional properties to the south, which is a number so small as to preclude a reasonable analysis of lot character. Staff therefore determined that the area of comparison should be enlarged, pursuant to Section 11-1710(B)(2), to include additional “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.”

Figure 2: Original Subdivision



Staff has determined that an appropriate area of comparison includes all 159 lots, except for the existing lots at the subject site, located within the 14 subdivision sections of the Clover development (see Figure 3 below). More specifically, the area includes lots in the subdivisions that created Clover Sections 1-4, Section 5 Parts I and II, Sections 6-10, the two remaining properties from Section 11, and Sections 12 and 13. The area of comparison is fairly large given that staff found no particular lot characteristics that would necessitate the exclusion of one Clover section versus another. The lots in all other sections of the larger Clover development share several similarities in addition to their having similar subdivision names and following the same general neighborhood pattern. The lots in the area of comparison are geographically proximate to the subject site, and given the subject site's central location within the larger Clover development, they surround it on all four sides. The majority of the lots in the entire Clover development feature a similar rectangular pattern, often measuring between 75 and 85 feet wide and between 115 and 135 feet long, while also containing scattered, and significant, exceptions along sharply curvilinear streets and cul-de-sacs. All of the lots in the area of comparison are also zoned R-8.

Figure 3: Area of Comparison



Neighborhood Character – Similarly Situated Lots

Section 11-1710(B) of the Zoning Ordinance also provides that, in answering the question of lot character consistency, greater weight should be given to a subset of lots within a larger area of comparison that are “similarly situated” to the site of a given subdivision request. More specifically, the Ordinance states that lots shall be “of the same character... particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.” The provision has been most commonly applied in prior subdivision cases to distinguish corner lots and interior lots.

Staff finds that, within the area of comparison used in this case (the larger Clover development), a total of eight properties are clearly more similarly-situated than all others when compared to the subject site. As shown in Figure 4 on the next page, two of these properties are located approximately one block to the north at 415 and 501 Crown View Drive, and the remaining six properties are located just over two blocks to the south at 200-205 Vassar Place. The unique situation that these properties share with the subject site is not a matter of interior lots or corner lots, but rather, the shape of the public right-of-way located immediately in front of them. Unlike most lots in the larger Clover development, which are typically oriented at right angles to straight or nearly-straight portions of public streets, the eight similarly-situated properties on Crown View Drive and Vassar Place are instead positioned on the outside portion of sharply-curved streets just like the subject site. As required under Section 11-1706 of the Zoning Ordinance in such instances, the eight properties have at least one, if not two radial side lot lines intersecting with concave street frontages. The natural result of such a circumstance is a group of properties having front property lines noticeably shorter than their rear property lines. The front lot lines of these properties are also noticeably shorter than the front property lines at those lots in the area of comparison that are located along straight or mostly-straight portions of public streets. The eight similarly-situated lots therefore also share a similar general lot shape, sometimes considered to be pie-shaped, as the subject site.

Figure 4: Similarly Situated Lots



Neighborhood Character – Lot Analysis

To answer the lot character question, staff has compared the eight most similarly-situated properties within the area of comparison to the proposed new subdivision. All three lots are approximately similar in lot shape to the eight properties within the area of comparison and all are suitable for residential structures. Staff has focused its review on the matters of lot size, lot frontage, and lot width for the smallest two lots in the current subdivision request, proposed Lots 625 and 626. The third lot, proposed Lot 627, has not been included in the formal analysis because it is substantially larger than the other two lots. Thus if the two smaller lots are deemed consistent with lot character, then the larger proposed Lot 627 would necessarily also be consistent.

Table 2 below shows the lot sizes, frontages, and widths for the eight similarly-situated properties within the area of comparison. Figures for proposed Lots 625 and 626 have been included in the table for reference.

Table 2: Similarly-Situated Lot Sizes, Frontages, and Widths

Address	Lot Size (in Sq. Ft.)	Lot Frontage (in Feet)	Lot Width (in Feet)
415 Crown View Dr	10619	67.2	91
501 Crown View Dr	12638	63.7	79
205 Vassar Pl	9149	57.7	74
203 Vassar Pl	8577	57.7	76
201 Vassar Pl	8003	54.3	78
200 Vassar Pl	10352	45.4	77
202 Vassar Pl	19048	41.8	70
204 Vassar Pl	14876	41.8	80
Proposed Lot 625	9891	59.1	74*
Proposed Lot 626	9452	55.5*	67*

* For comparison purposes, these values have been rounded up to next whole number or tenth of a foot.

An analysis of the above data reveals that the lot areas, lot frontages, and lot widths of proposed Lots 625 and 626 are similar to or exceed the lot areas, frontages, and widths found in at least 50% of similarly-situated lots in the area of comparison. More specifically, proposed Lot 625 has at least, or close to, the lot size of 63% (five of eight) of the similarly-situated lots. Proposed Lot 625 has at least, or close to, the lot frontage and lot width of 100% and 88% (seven of eight) of the similarly-situated lots, respectively. Proposed Lot 626 has at least, or close, to the lot size of 50% of similarly-situated lots in the area of comparison. Proposed Lot 626 has at least, or close to, the lot frontage and lot width of 88% and 50% of the similarly-situated lots, respectively.

This analysis has incorporated the concept that quantifying “similar lot character” should include not only those similarly-situated lots that have less size, frontage, or width than the proposed new lots, but also those lots, if any, that have just slightly more of each lot feature. Staff believes that a reasonable threshold to apply to this case, below which similarly-situated lots are deemed to be similar to the proposed new lots, are those similarly-situated lots with no more than 10 additional feet of lot frontage and width, and no more than 1,000 additional square feet of lot

size, compared to the proposed new lots. Such additional lot size, frontage, or width would also be imperceptible when viewed from the street in this neighborhood.

With its numerical analysis showing that proposed Lots 625 and 626 have the lot size, frontage, and width found in at least 50% of the eight most similarly-situated properties (and in some cases at much higher percentages), staff believes the subdivision proposal is therefore substantially consistent with the neighborhood lot character, a finding required in Section 11-1710(B) of the Zoning Ordinance.

In conclusion, staff finds that the requested subdivision is consistent with general subdivision regulations, the technical requirements of the R-8 zone, and is substantially consistent with the character of other similarly-situated lots in the area of comparison. Subject to the conditions contained in Section III of this report, staff recommends approval of the subdivision request.

III. RECOMMENDED CONDITIONS

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

1. The final subdivision plat shall comply with the requirements of Section 11-1700 of the Zoning Ordinance. (P&Z)
2. 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)

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

Staff Note: This plat will expire 18 months from the date of approval (November 5, 2016) unless recorded sooner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The existing two subdivided lots will continue using the existing utility connections. (T&ES)
- F-2 The newly created lot shall have new utility connections and must pay sanitary sewer connection fee applicable at the time of final plan submission. (T&ES)
- 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)
- R-2 Show the curb cut for the existing driveway at 809 Vassar Rd on the final plat. (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)

Archaeology:

- F-1 This undertaking will cause no ground disturbance. No archaeological action is required.

Code Enforcement:

- F-1 No comments received

Health Department:

- F-1 No comments

Parks and Recreation:

F-1 No comments

Police Department:

F-1 No comments

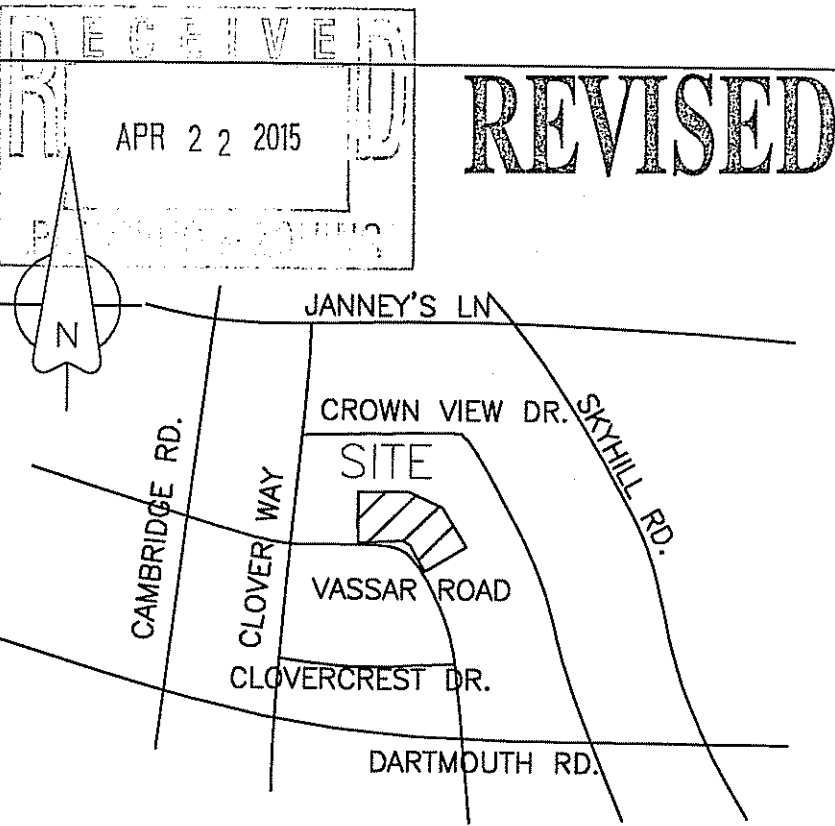
NOTES:

- 1. NO TITLE REPORT FURNISHED.
- 2. THE PROPERTY SHOWN HEREON IS LOCATED ON TAX MAP 052.03-02-18 & 19.
- 3. BOUNDARY INFORMATION SHOWN HEREON IS A COMPILATION OF DEEDS AND PLATS AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
- 4. THE PROPERTY SHOWN HEREON ARE ZONED R-8.
MINIMUM LOT FRONTAGE = 40 FEET, MINIMUM LOT WIDTH = 65 FEET (INT.), 80 FEET (CORNER)
MINIMUM LOT AREA ALLOWED = 8,000 SQUARE FEET
- 5. THE SUBJECT PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" PER FEMA PANEL #55190037E & FEMA PANEL #5155190029E DATED JUNE 16, 2011. (USGS DATUM NAVD88)
- 6. CERTIFICATE OF TITLE: THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF STEPHEN OR MARY HALES, INSTR. #1100158659 (LOT 26) AND INSTR.#140015930 (LOT 525) AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.
- 7. PROPERTY CORNERS SHALL BE SET BY A LAND SURVEYOR LICENSED WITHIN THE COMMONWEALTH OF VIRGINIA.
- 8. THERE ARE NO KNOWN, AREAS THAT CAN REASONABLY BE EXPECTED TO OR WHICH DO CONTAIN SOILS OR MATERIALS CONTAMINATED WITH, BUT NOT LIMITED TO HEAVY METALS, PETROLEUM PRODUCTS, PCB PESTICIDES, FLYASH, OR OTHER TOXIC OR HAZARDOUS MATERIALS ON THIS SITE.
- 9. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS SITE.
- 10. THIS SITE IS NOT KNOWN TO BE LOCATED WITHIN 1,000 FEET OF A FORMER SANITARY LANDFILL, DUMP, OR DISPOSAL AREA.
- 11. THIS SITE IS NOT KNOWN TO HAVE AREAS WITH THE POTENTIAL OF GENERATING COMBUSTIBLE GASES.
- 12. THERE ARE NO PROPOSED STREETS WITH THIS PLAT.
- 13. THIS SITE SHALL HONOR ALL NATURAL DRAINAGE DIVIDES AND SHALL SHEET FLOW TO THE PUBLIC RIGHT-OF-WAY AND TO THE REAR OF THE SITE, THERE IS STORM SEWER LOCATED ON-SITE WHICH OUTFALL POINT CANNOT BE DETERMINED.
- 14. NO TREES ARE PROPOSED TO BE REMOVED WITH THIS PLAT.
- 15. THIS SITE DOES NOT CONTAIN ANY RESOURCE PROTECTION AREAS (RPA'S) AS PER THE CITY OF ALEXANDRIA RESOURCE PROTECTION AREA MAP. THERE ARE NO KNOWN ON-SITE OR ADJACENT STREAMS OR RPA COMPONENTS THAT WOULD SUGGEST AN RPA EXTENDS ONTO THE SITE.
- 16. THERE IS NO EVIDENCE OF ANY GRAVE OR STRUCTURE MARKING A PLACE OF BURIAL ON THIS SITE.
- 17. THESE LOTS UTILIZE THE EXISTING SANITARY SEWER AND WATER LOCATED WITHIN THE VASSAR ROAD RIGHT-OF-WAY.

AREA TABULATION

EXISTING LOT AREA = 33,725 SF OR 0.7742 ACRES		
MINIMUM LOT AREA REQUIRED (R-8) = 8,000 SF		
EX. LOT 525 (#809)	=	16,409 SF
EX. LOT 26 (#811)	=	17,316 SF
<hr/>		
NEW LOT 625	=	9,891 SF
NEW LOT 626	=	9,452 SF
NEW LOT 627	=	14,382 SF
<hr/>		
TOTAL	=	33,725 SF

(THE SITE CURRENTLY CONTAINS TWO EXISTING LOTS WITH SINGLE-FAMILY DWELLINGS. THE PLAT IS PROPOSING TO ADD ONE ADDITIONAL BUILDING LOT FOR A TOTAL OF THREE LOTS)



VICINITY MAP
1"=500'

OWNER / APPLICANT

STEPHEN OR MARY HALES
811 VASSAR ROAD
ALEXANDRIA VA 22314

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

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IS IT CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THIS IS A SUBDIVISION OF PART (OR ALL) OF THE LAND CONVEYED BY MICHAEL G. OR SUSAN L. CRABILL TO STEPHEN AND MARY HALES BY DEED DATED 10/31/14 AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA IN INSTR. #140015930 (LOT 525) & BY WILLIAM F. AND NANCY L. SMITH TO STEPHEN AND MARY HALES BY DEED DATED 09/16/11 AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA IN INSTR. #1100158659 (LOT 26) 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 COMPLETION OF THE PROJECT.



SHEET 1 OF 2
PRELIMINARY SUBDIVISION PLAT
LOTS 625, 626 & 627 OF THE RESUBDIVISION OF
LOTS 26 & 525 OF THE RESUBDIVISION OF
LOT 25, BLOCK 3
AND ADDITION TO SECTION 11
CLOVER
CITY OF ALEXANDRIA, VIRGINIA
SCALE: AS NOTED DATE: 04-06-15



ALEXANDRIA SURVEYS, LLC
1229 GARRISONVILLE ROAD #104, STAFFORD VA. 22556
TEL. NO. 703-636-1313 FAX NO. 703-636-4266

CLOVER-SECTION 4

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.00'	110.66'	105.10'	S 60°31'17" E	63°24'18"
C2	100.00'	27.17'	27.08'	S 84°26'28" E	15°33'57"
C3	100.00'	55.47'	54.76'	S 60°45'59" E	31°47'01"
C4	100.00'	28.02'	27.93'	S 36°50'49" E	16°03'21"

CLOVER-SECTION 1

283

TM# 053.03-02-20
JOHN K. CHESLEY
401 CLOVERWAY
ALEX. VA. 22314

TM# 053.03-02-02
TIMOTHY OR HELEN LLOYD
514 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-03
REBECCA OR DAVID RUST
506 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-04
ZORANA ILIC
500 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-05
DEANA OR ELLIOTT RHODESIDE
414 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-06
DEBORAH NAGLE
408 CROWN VIEW DR
ALEX. VA. 22314

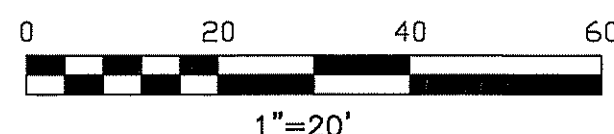
TM# 053.03-02-07
KATHERINE OR MARC LEON
404 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-17
ALBERT OR MARIE MARSHALL
807 VASSAR RD
ALEX. VA. 22314

- TREE LEGEND**
1. 14" MAPLE
 2. 18" OAK
 3. 16" OAK
 4. 6" MULTI STEM HOLLY
 5. 12" HOLLY
 6. 3" PERSIMMON
 7. 10" MAGNOLIA
 8. 3" HOLLY
 9. 2" MAGNOLIA
 10. 2" MAGNOLIA
 11. 2" MAGNOLIA
 12. 18" PINE
 13. 2" POPLAR
 14. 3" HAWTHORNE
 15. 4" MAGNOLIA (3 TREES)
 16. 3" HOLLY
 17. 6" CEDAR
 18. 6" CEDAR
 19. 5" CHERRY
 20. 15" MAGNOLIA
 21. 2" MULTI CREPE MYRTLE
 22. 8" POPLAR
 23. 8" POPLAR
 24. 10" POPLAR

25. 3" MULTI CREPE MYRTLE
26. 3" MULTI CREPE MYRTLE
27. 3" MULTI CREPE MYRTLE
28. 3" HOLLY
29. 6" HOLLY
30. 4" HOLLY
31. 8" HOLLY
32. 6" FIR
33. 5" CEDAR
34. 2" MULTI CREPE MYRTLE
35. 2" MULTI CREPE MYRTL
36. 2" MULTI CREPE MYRTL
37. 2" MULTI CREPE MYRTL
38. 8" CHERRY
39. 4" HOLLY
40. 3" HOLLY
41. 4" HOLLY
42. 3" MULTI CREPE MYRTLE
43. 2" CREPE MYRTLE
44. 8" HOLLY
45. 6" AILANTHUS
46. 12" OAK
47. 4" HOLLY
48. 24" MAPLE

GRAPHIC SCALE



APPROVED

CITY PLANNING COMMISSION
ALEXANDRIA, VA

DATE	CHAIRMAN
DATE	DIRECTOR OF PLANNING
PUBLIC IMPROVMENT BOND(S) APPROVED	
DATE	DIRECTOR T.&E.S.

SHEET 2 OF 2

PRELIMINARY SUBDIVISION PLAT
LOTS 625, 626 & 627 OF THE RESUBDIVISION OF
LOTS 26 & 525 OF THE RESUBDIVISION OF
LOT 25, BLOCK 3
AND ADDITION TO SECTION 11
CLOVER

CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' DATE: 04-06-15

ALEXANDRIA SURVEYS, LLC

1229 GARRISONVILLE ROAD #104, STAFFORD VA. 22556

TEL. NO. 703-636-1313 FAX NO. 703-636-4266

