



***DOCKET ITEM #6***  
***Special Use Permit #2016-0090***  
***307 North Washington Street***

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**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

<b>Application</b>	<b>General Data</b>	
Public hearing and consideration for a parking reduction with setback and open space modifications.	<b>Planning Commission Hearing:</b>	January 5, 2017
	<b>City Council Hearing:</b>	January 28, 2017
<b>Address:</b> 307 North Washington Street	<b>Zone:</b>	CD/Commercial Downtown
<b>Applicant:</b> Hart Washington Street, LLC	<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 Reviewer:** Ann Horowitz, [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)



**Special Use Permit #2016-0090**  
**307 North Washington Street**



## **I. DISCUSSION**

The applicant, Hart Washington Street, LLC, requests Special Use Permit approval for a parking reduction with setback and open space modifications. The request is required to provide for a residential structure that complies with CD zone and parking requirements.

### SITE DESCRIPTION

The subject site is located on one parcel of record. The parcel has 23 feet of frontage on North Washington Street and has a depth of 60 feet. It has a lot area of 1,245 square feet and is an existing substandard lot. The parcel is developed with a two and one-half story 2,400 square foot commercial building.

Commercial and residential uses surround the lot. Historic townhouses are located immediately to the south and east. An office building and Brocketts Crossing residential condominiums are located across Brocketts Alley to the north. The 300 Building, a seven story office building, is sited across North Washington Street to the west.



### BACKGROUND

Robert Brockett constructed the building at 307 North Washington Street concurrently with the identical townhouses at 301, 303, and 305 North Washington Street in 1808. A rear addition was constructed at 307 North Washington Street in 1858. The construction of several properties in the Old and Historic District, such as 307 North Washington Street, pre-date today's zoning requirements.

Law offices have operated at the subject site since December 1970 when City Council approved SUP #813 to permit the transfer of a residential use to an office use in the R-C zone. The Board of Zoning Appeals approved a variance (BZA #1240) in September 1970 to exempt the law office from the parking requirement of five off-street spaces. The parking variance applied only to use of the property as law offices. The zone change from R-C to CD in 1992 provided for the compliance of the commercial structure with area and bulk regulations in the CD zone.

The townhouse dwellings at 301, 303, and 305 North Washington Street are currently used for residential purposes.

### PROPOSAL

After several decades as a commercial office use, the applicant, Hart Washington Street, LLC, wishes to revert the building to a townhouse dwelling and sell it as a residential property. To become compliant as a residential structure, the applicant requests a two-space parking reduction



with modifications of the open space, side yard, and rear yard setback requirements for a residential structure in the CD zone. Although the property was a residential structure prior to 1970, it may only be used as a residential structure if it complies with current CD zone provisions for area and bulk regulations, as well as parking requirements.

#### PARKING

Section 8-200(1) of the Zoning Ordinance requires townhouse dwellings to provide two parking spaces for each dwelling unit. Given that the property was constructed prior to the invention of the automobile, two parking spaces are not available on-site and the availability of open space is not sufficient to provide for the creation of parking spaces. The property would, therefore, require SUP approval for a two-space parking reduction for use as a residential structure.

#### ZONING

The property is located in the CD zone. Townhouse dwellings are permitted uses in the CD zone, pursuant to Section 4-502(A.2) of the Zoning Ordinance. Nonetheless, residential structures must comply with Sections 4-505 and 4-506, which outline area and bulk regulations for townhouse dwellings, respectively (Table 1). Special Use Permit approval for open space, side yard, and rear yard modifications is necessary for the structure at 307 North Washington Street to comply as a residential structure.

<b>Table 1</b>	<b>Required</b>	<b>307 N. Washington</b>	<b>Complies</b>
Lot Area	1,452	1,245 sq. ft.	yes; existing substandard lot
Frontage	18 ft.	23 ft.	yes
Front Yard	Front lot line	Front lot line	yes
One Side Yard Setback (north side)	5 ft. min.	0 ft.	no
Rear Yard Setback	1:2 or 16 ft. min.	8.5 ft.	no
Open Space	35% of lot area = 435.75 sq. ft.	31% or 387.07 sq. ft.	no

#### MASTER PLAN DESIGNATION

The property is located within the Old Town Small Area Plan. Although the plan designates the property for commercial use, it also states that Washington Street should retain residential uses to preserve its historic and memorial character. The property is also located in the Old and Historic District.

## II. STAFF ANALYSIS

Staff supports the applicant's SUP request for a two-space parking reduction with modifications of open space and setback requirements. Approval of the Special Use Permit request would allow the structure to return to its original use. As the townhouse dwelling historically functioned as a residential property for several decades prior to its commercial use as a law office, staff believes that the configuration and placement on the lot is consistent, specifically, with the adjacent townhouse dwellings at 301, 303, and 305 North Washington Street and, generally, with similar residences in the Old and Historic District.

Further, staff does not anticipate impacts of the two-space parking reduction as the request is less intense than the five-space reduction granted to the law office. A minimum of 31% open space must be maintained as stated in Condition 1 and a minimum rear yard setback of 8.5 feet shall remain as required in Condition 2.

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

## III. RECOMMENDED CONDITIONS

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

1. Open space shall not be reduced to less than 31% of the lot area.
2. The rear yard setback shall be limited to no less than 8.5 feet.

STAFF: Alex Dambach, Division Chief, Land Use Regulatory Services  
Ann Horowitz, Urban Planner

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### **IV. CITY DEPARTMENT COMMENTS**

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

Transportation & Environmental Services:

No comments

Code Enforcement:

F-1 No comment for parking reduction

C-1 A building permit and certificate of occupancy are required for the conversion of a structure that is currently being classified as office space to residential use. The applicant will need to apply for a building permit to complete this change in use group classification prior to completing this conversion.

Fire:

No comments or concerns

Health:

No comments

Parks and Recreation:

No comments received

Police Department:

No comments received



## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2016-0090

**PROPERTY LOCATION:** 307 N. Washington St.

**TAX MAP REFERENCE:** 064.04-11-01

**ZONE:** CD

**APPLICANT:**

Name: Hart Washington Street, LLC

Address: 700 N. Fairfax Street, Suite 600, Alexandria, VA 22314

**PROPOSED USE:** Parking reduction SUP for two spaces for residential use of historical townhouse.

Side yard modification to zero and open space modification for existing rear yard.

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

Mary Catherine Gibbs, Member

Print Name of Applicant or Agent

700 N. Fairfax St., Suite 600

Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code

*Mary Catherine Gibbs*

Signature

10/27/16

Date

703-836-5757

Telephone #

703-548-5443

Fax #

mcgibbs@hartlanduselaw.com

Email address

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 307 N. Washington Street, I hereby  
 (Property Address)  
 grant the applicant authorization to apply for the Parking Reduction SUP use as  
 (use)  
 described in this application.

Name: Mary Catherine Gibbs, MemberPhone: 703-836-5757

Please Print

Address: 700 N. Fairfax St., Alexandria, VA 22314Email: mcgibbs@hartlanduselaw.comSignature: Mary Catherine GibbsDate: 10/27/16

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

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☒ Owner

☐ Contract Purchaser

☐ Lessee or

☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Connie and Bud Hart, 4604 Newcomb Pl., Alexandria, VA 22304, - 80%

Joe and Christi Hart, 309 Hume Ave., Alexandria, VA 22301 - 10%

Mary Catherine and Robert Gibbs, 4243 N. Paulina St., Chicago, IL 60613 - 10%



# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Hart Washington St., LLC	700 N. Fairfax St., Suite 600	100%
2.	Alexandria, VA 22314	
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 307 N. Washington St. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Bud and Connie Hart	4604 Newcomb Pl., Alex., VA	80%
2. Joe and Christi Hart	309 Hume Ave., Alex., VA	10%
3. Mary Catherine & Robert Gibbs	4243 N. Paulina St., Chicago, IL	10%

**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 and "None" in the corresponding fields).**

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Hart Washington St., LLC	None	
2. Bud and Connie Hart	YES, \$100 each to each City Council Member last election cycle	
3. Joe and Christi Hart	None	

**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.

4. Mary Catherine & Robert Gibbs

None

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.

10/27/16

Date

Mary Catherine Gibbs, Member

Printed Name

*Mary Catherine Gibbs*  
Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☒ **Yes.** Provide proof of current City business license

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

## NARRATIVE DESCRIPTION

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

The Applicant is the owner of 307 N. Washington Street, which has been used since 1970 as the law offices for member, Bud Hart, and the various law firms of which he has been a part since the 1970's. In 1970, the zoning ordinance required that he

obtain a Special Use Permit to change the use of the building from its historical residential use to office use. He obtained that

SUP 813 in November 1970, after he obtained a variance for off-street parking for the office use from the Board of Zoning Appeals. That BZA approval of a variance for 5 off street parking spaces, was granted in September of 1970, BZA 1240.

The Applicant is now selling the building and the contract purchaser wishes to use the building for its historical residential use, as permitted under the CD zone. It bears noting that the Central Business District, which requires no off street parking, ends at

Queen Street, three townhouses from this property. The zoning ordinance requires two parking spaces for a townhouse like this

and there is no off street parking on this lot, nor has there ever been any off street parking on this lot. The request is actually a reduced request for a parking reduction than authorized in BZA 1250 (5 spaces then, 2 spaces now).

The City has determined that the Applicant not only has to obtain a special use permit for a parking reduction for what would be

2 required parking spaces for a residential townhouse use on this property, but that the Applicant also has to obtain a modification

of the zoning ordinance requirements for side yard setbacks and open space, although the structure has been in place since 1808,

added on to in 1858 in the rear, and modified for a new entry in 1988, which changed the side yard into the structure's main

entrance. The yard in the rear is as it has been, modified only in 1988, when the entry to the building was changed from the

front of the building to a secure side entrance off the alley to the north, when the brick wall moved and a new stair was added

in the side yard.

**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):
- ☐ a new use requiring a special use permit,
- ☐ an expansion or change to an existing use without a special use permit,
- ☐ an expansion or change to an existing use with a special use permit,
- ☒ other. Please describe: Parking reduction SUP and SUP for side yard and open space modification.

5. Please describe the capacity of the proposed use:

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

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

Typical for a townhouse of this size, 24 hours a day, 7 days a week.

This is for a residential use.

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

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

NA

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

Day:

24/7 This is for a residential use.

Hours:

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

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

NA

- B. How will the noise be controlled?

NA

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

NA

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

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

NA

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

NA

- C. How often will trash be collected?

NA

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

NA

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

[ ] Yes. [ ] No.

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

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

☐ Yes. ☐ No.

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

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

NA

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## ALCOHOL SALES

13.

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

☐ Yes ☐ No

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

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**PARKING AND ACCESS REQUIREMENTS**

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

0 Standard spaces  
 0 Compact spaces  
 0 Handicapped accessible spaces.  
 0 Other.

Planning and Zoning Staff Only

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

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one) NA
- ☐ on-site
- ☐ off-site

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

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

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

**[x] Parking reduction requested; see attached supplemental form**

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

- A. How many loading spaces are available for the use? \_\_\_\_\_

Planning and Zoning Staff Only

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

Does the application meet the requirement?

☐ Yes ☐ No



- B. Where are off-street loading facilities located? \_\_\_\_\_  
\_\_\_\_\_
- C. During what hours of the day do you expect loading/unloading operations to occur?  
\_\_\_\_\_  
\_\_\_\_\_
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
\_\_\_\_\_  
\_\_\_\_\_
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate.

\_\_\_\_\_

\_\_\_\_\_

## SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? \_\_\_\_\_ square feet.
18. What will the total area occupied by the proposed use be?
- @2200 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = @2200 sq. ft. (total)
19. The proposed use is located in: (check one)
- ☐ a stand alone building
- ☒ a house located in a residential zone
- ☐ a warehouse
- ☐ a shopping center. Please provide name of the center: \_\_\_\_\_
- ☐ an office building. Please provide name of the building: \_\_\_\_\_
- ☐ other. Please describe: \_\_\_\_\_

End of Application



## APPLICATION - SUPPLEMENTAL

### PARKING REDUCTION

**Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).**

**1. Describe the requested parking reduction.** (e.g. number of spaces, stacked parking, size, off-site location)

Reduction of 2 off-street parking spaces for a return to its historical residential use.

**2. Provide a statement of justification for the proposed parking reduction.**

The building takes up most of the lot, as it did in 1808 and 1858 when the portions of the building were completed. No parking has ever been provided for homes at Brocketts Row, the houses have regularly moved from residential to office and back to residential over the years with no issues with parking. In fact the 1970 variance for parking for this site was a reduction of 5 spaces, and this request is for a reduction of only 2 spaces.

**3. Why is it not feasible to provide the required parking?**

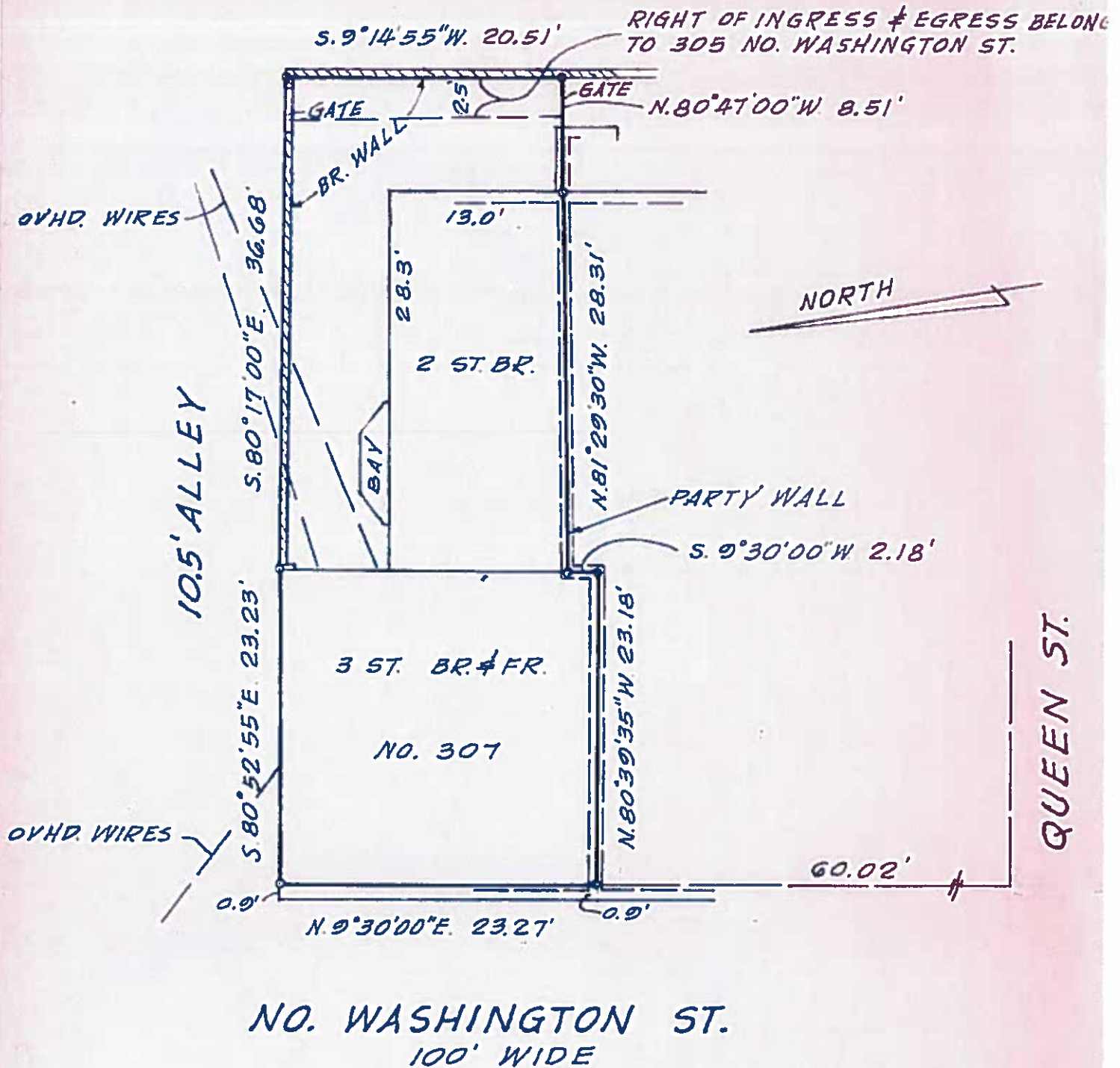
The building takes up most of the site and there is no room for any required parking.

**4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?**

Yes. ☒ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.



HOUSE LOCATION SURVEY

ALEXANDRIA, VIRGINIA

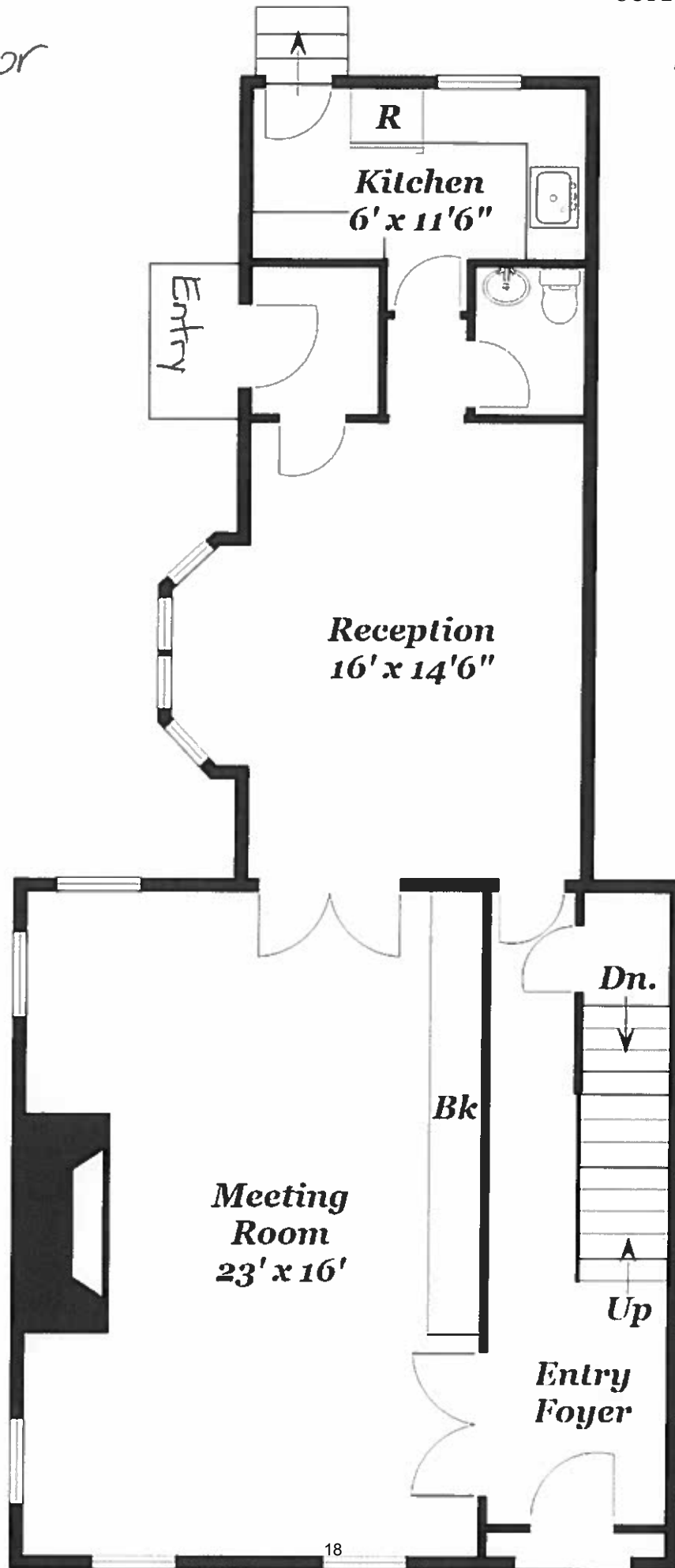
LOT	BLOCK	SECTION	SUBDIVISION
			307 NO. WASHINGTON ST.
SCALE 1" = 10'			DATE JAN. 18, 1971
DR- 54108			CERTIFIED CORRECT
MURPHY & HART			<i>Alfred Copeland</i>
ALFRED COPELAND			CERTIFIED LAND SURVEYOR
CIVIL ENGINEER AND LAND SURVEYOR			
711 NORTH FAYETTE STREET			
ALEXANDRIA, VIRGINIA 22314			

First Floor

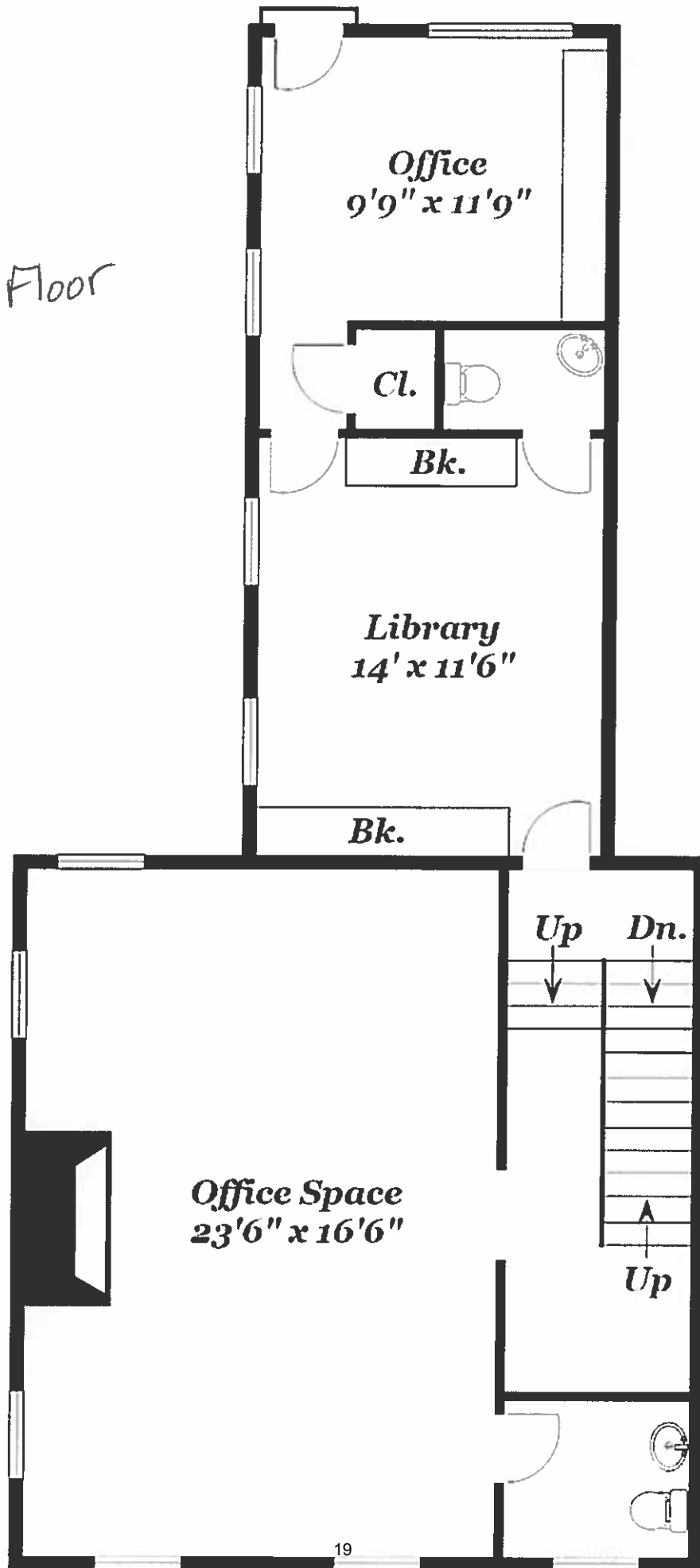
Hart Washington LLC

@2200 sf.  
TOTAL

A  
L  
L  
E  
Y



Second Floor



Third Floor

