

Docket Item # 4
BZA Case # 2017-0018
Board of Zoning Appeals
June 8, 2017

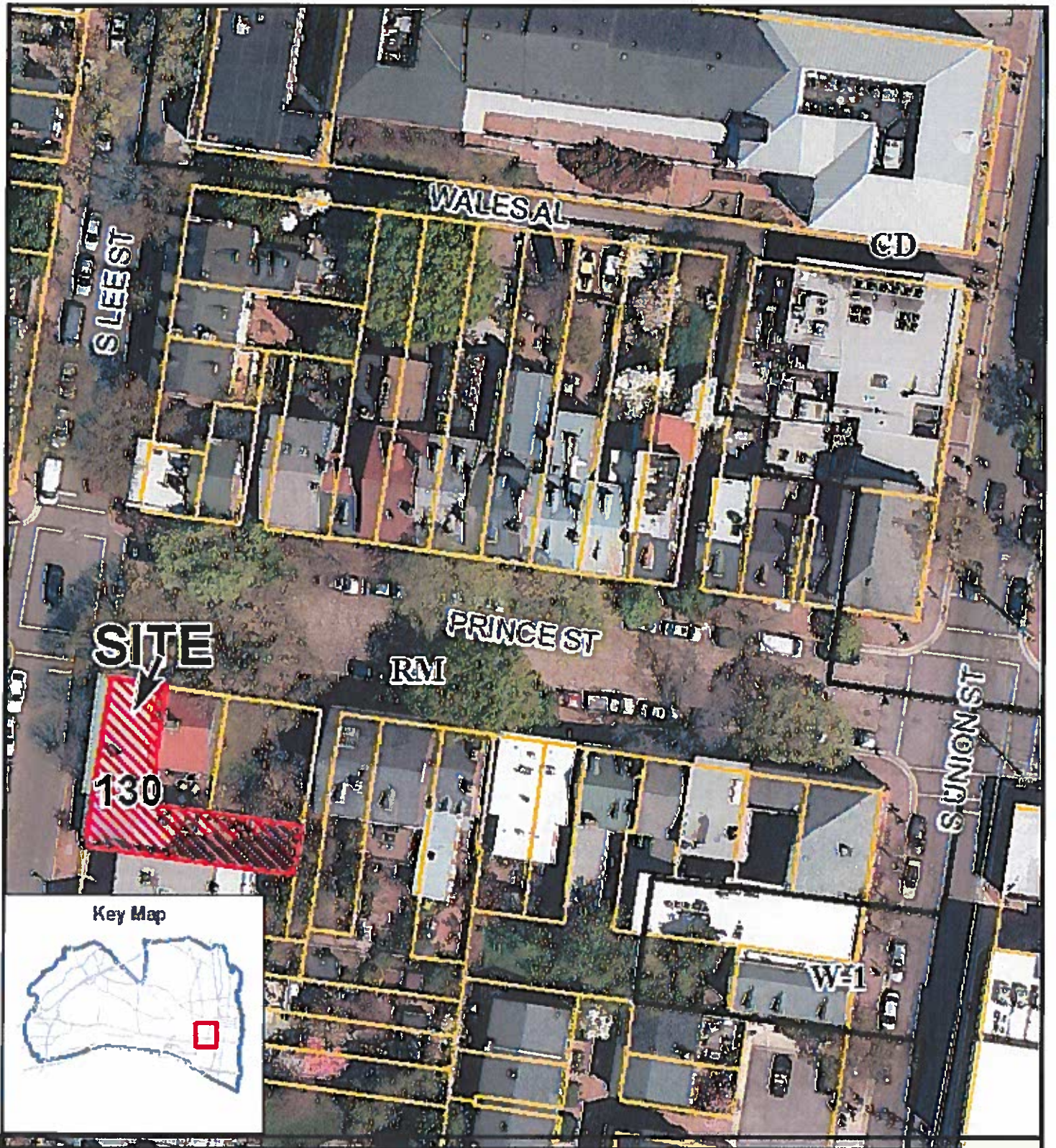
ADDRESS: 130 PRINCE STREET
ZONE: RM/TOWNHOUSE ZONE
APPLICANT: GREGORY WILSON AND KATHLEEN CUMMINGS,
REPRESENTED BY WILLIAM CROMLEY, AGENT

ISSUE: Public hearing and consideration for variances to construct a two-story addition in the required side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1108(C)(1)	Side Yard (north)	5.00 feet	1.90 feet	3.10 feet
3-1108(C)(1)	Side Yard (south)	5.00 feet	0.00 feet	5.00 feet

Staff **recommends approval** of the requested variances because the applicant has demonstrated a hardship due to the narrowness and L-shape of the lot.

If the Board decides to grant the requested variance it must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average finished grade and (2) certification of floor area and open space from a licensed architect or engineer. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.



BZA Case #2017-0018
130 Prince Street



I. Issue

The applicant proposes to construct a two-story rear addition in the required side yards located at 130 Prince Street. The proposed project requires variances to construct the addition in the required south and north side yards.

11. Background

The subject property is one lot of record as of February 10, 1953 and is an unusual L-shape lot with frontage on Prince Street and South Lee Street. The lot has 22.00 feet of frontage on Prince Street and 63.66 feet of frontage on South Lee Street. The lot depth is 22.00 to 81.00 feet deep from the South Lee Street frontage and 63.66 feet deep from the Prince Street frontage. The property contains 2,541 square feet of lot area and is developed with an existing two-story single-family dwelling in the RM, Townhouse Zone (Figure 1).

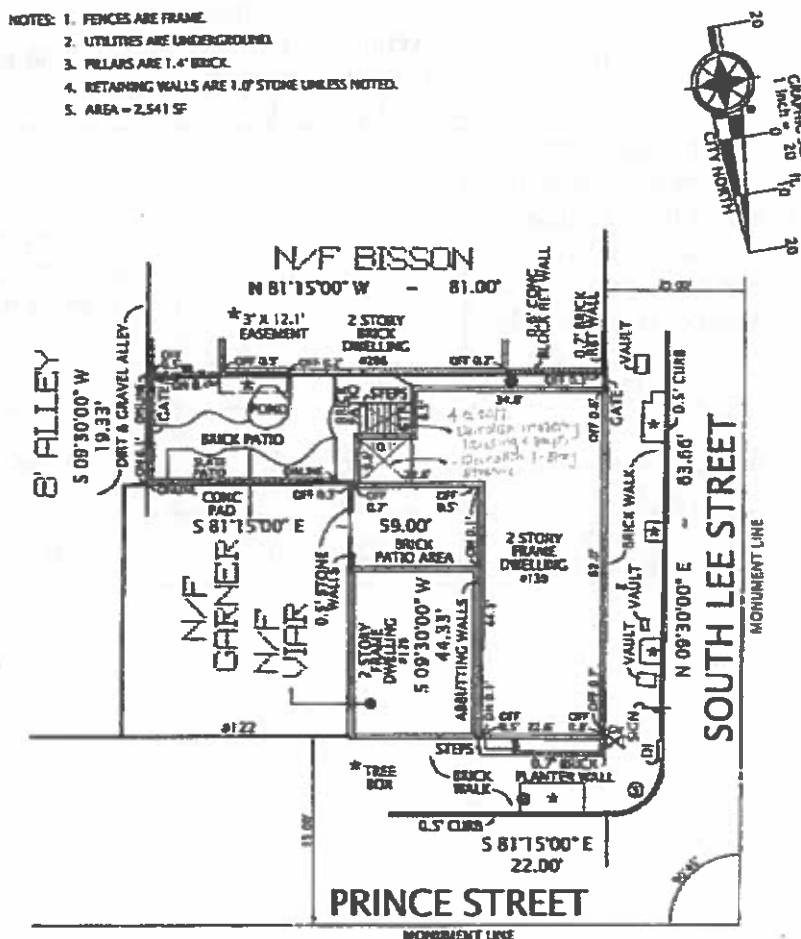


Figure 1: Plat showing existing conditions of 130 Prince Street

In addition, it is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). According to real estate assessments, the dwelling was constructed in 1792.

Table 1. Zoning Table

RM Zone	Requirement	Existing	Proposed
Lot Area	1,452 sq. ft.	2,541 sq. ft.	2,541 sq. ft.
Lot Width	25.00 ft.	22.00 ft. on Prince St 63.66 ft. on S Lee St	22.00 ft. on Prince St 63.66 ft. on S Lee St
Lot Frontage	25.00 ft.	22.00 ft. on Prince St 63.66 ft. on S Lee St	22.00 ft. on Prince St 63.66 ft. on S Lee St
Front Yard	0.00 ft.	0.00 ft.	0.00 ft.
Side Yard (north)	5.00 ft.	1.90 ft.	1.90 ft.
Side Yard (south)	5.00 ft.	0.00 ft. The existing dwelling encroaches on the adjoining lot by 0.70 ft.	0.00 ft.
Building Height	35.00 ft. max. or may be increased to 45.00 ft. max if the ridge line of the roof is parallel to the street and the slope of the roof is compatible with neighboring buildings	26.50 ft.	26.50 feet overall, 20.67 ft. for the addition height
Open Space	35% of the lot size or the amount existing on June 24, 1992	746 sq. ft.	749 sq. ft.
Net FAR	1.5 FAR (3,812 sq. ft.)	3,218 sq. ft.	3,488 sq. ft.

III. Description

The applicant proposes to demolish part of the existing rear portion of the structure and construct a two-story addition with a balcony in alignment with the existing rear elevations' non-complying side yard setbacks (Figure 2). The proposed addition measures approximately 18.20 feet wide by 5.00 feet deep. The proposed balcony measures approximately 14.20 feet wide by 3.30 feet deep. The proposed addition would be located in line with the north side wall of the existing structure, 1.90 feet from the north property line, and it would be recessed in from the existing wall on the south side by 0.70 feet in order for the addition to be located entirely on the applicant's property. The dwelling's existing south wall encroaches by 0.70 feet. It would have a 0.00 foot setback from the south property line. Variances are required to construct the addition in the required side yards. Variances of 3.90 feet from the north side property line and 5.00 feet from the south side property line are requested.

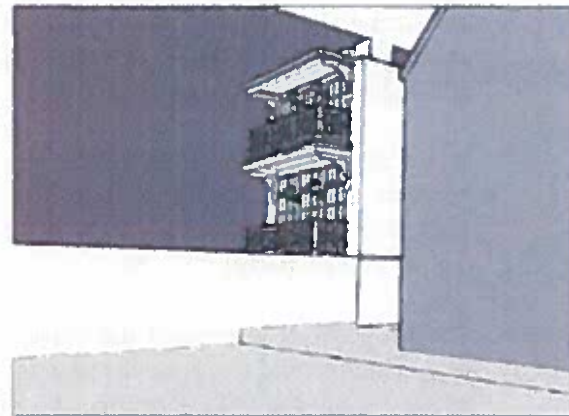
The proposed project would add approximately 270 square feet of floor area to the existing building (please refer to attached FAR calculations). The existing open space amount would remain similar. Upon completion of the work, the applicant would be required to submit a certification of floor area and open space calculations to ensure compliance with the maximum allowable floor area and open space requirements. There have been no prior variances or special exceptions previously granted for the subject property.

IV. Master Plan/Zoning

The subject property is currently zoned RM, Townhouse Zone, which allows for low to medium density residential use and has been so zoned since 1992. It is identified in the adopted Old Town Small Area Plan for residential use.



EXISTING NORTH EAST ELEVATION FROM PRINCE STREET



PROPOSED NORTH EAST ELEVATION FROM PRINCE STREET

Figure 2: Existing North East Elevation from Prince Street (top image); Proposed North East Elevation from Prince Street (bottom image)

V. Requested Variances

The subject L-shaped lot has 63.66 feet of frontage on South Lee Street.

Section 3-1108(C)(1) Side Yard: The RM, Townhouse Zone requires development on 35 feet wide (or wider) residential lots of record as of February 10, 1953 to provide two side yards of at least five feet each. Narrower lots of record are not required to provide these side yards.

The subject lot is an L-shape lot with frontage on Prince Street and South Lee Street. The lot has 22.00 feet of frontage on Prince Street and 63.66 feet of frontage on South Lee Street. A rectangular portion of land protrudes from the rear of the lot to give the lot an L-shape. The depth of this rectangular shape in the rear of the lot measures 81.00 feet perpendicular to South Lee Street and has a lot width of 19.33 feet. The applicant is proposing to construct the addition within the 19.33 feet wide portion of the lot.

Although this lot is only 19.33 feet wide in the addition area, it is designated as being 63.66 feet wide because of its frontage on South Lee Street; which serves as the basis for measuring the lot width according to the Zoning Ordinance. The lot also has a second width measurement for its frontage on Prince Street of 22.00 feet. Because the lot width at Prince Street is greater than 35 feet, side yards of 5.00 feet on each side are required.

The existing structure is non-complying with multiple walls projecting into the adjacent property and into the public right-of-ways. The affected portion of the structure extends 1.90 feet from the north property line and encroaches 0.70 feet into the adjacent property (south side property).

The proposal is to expand the existing building footprint by approximately 270 square feet, which would continue the existing non-complying structure setback, but it would not encroach into the adjacent property. The proposed addition would not extend any further into the side yards than the existing 1.90 feet from the north property line and 0.00 from the south property line.

VI. Noncomplying Structure/Substandard Lot

The existing building at 130 Prince Street is a noncomplying lot and structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
3-1105(C)(1) Lot Width and Frontage	25.00 ft.	22.00 ft. (on Prince Street)	3.00 ft.
3-1105(C)(1) Lot Width	25.00 ft.	19.33 ft. (L-shape portion)	5.67 ft.
3-1108(C)(1) Side Yard (south)	5.00 ft.	Encroaches 0.70 ft. into adjacent property	5.00 ft.
3-1108(C)(1) Side Yard (north)	5.00 ft.	1.90 ft.	3.10 ft.

VII. Applicant's Justification for the Variance

According to real estate assessments, the dwelling was constructed in 1792, prior to the adoption of the zoning ordinance and was a RM zoned lot of record as of February 10, 1953. The existing irregular shaped lot and structure are non-complying.

The subject lot has two frontages and is an L-shaped lot. The affected portion has 63.66 feet of frontage and 19.33 feet of width at the addition area. The applicant is proposing to construct the addition within the 19.33 feet wide portion of the lot. In the RM Zone, no side yard is required on a residential lot which is less than 25 feet wide. However, two side yard setbacks are imposed on the narrow portion of the lot because it extends from a frontage and width that is greater than 35.00 feet.

The existing building does not meet the RM Zone side yard regulation along the side property lines, and the proposed addition relating to the south and north side property lines will also not meet the setback requirement. Therefore, the applicant must seek a variance from both the south and north side setback requirements.

VIII. Analysis of the Variance Standards

For the Board of Zoning Appeals to grant a variance the following must be met (1) the definition of a variance, set out in Code of Virginia § 15.2-2201 and (2) the criteria for a variance, set out in Code of Virginia § 15.2-2309(2). The applicant seeking the variance must prove by a preponderance of the evidence that his or her application meets these requirements.

The language below contains staff's interpretation of the Code of Virginia requirements, the pertinent provisions of Sections 15.2-2201 and 15.2-2309(2) are set out in Attachment

A. Analysis of the Definition of a Variance (Code of Virginia § 15.2-2201)

The applicant must establish that the variance he or she is seeking:

1. Is a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure?

The applicant has proposed a modest sized addition within the 19.33 feet wide portion of the lot. The proposal is to expand the existing building footprint by approximately 270 square feet within the existing non-complying structure side yard setbacks. The project complies with height, FAR, and open space requirement in the RM Zone and is consistent with the historic building patterns on the lot. The proposed addition aligns generally with the building's existing walls and functions as a small extension of the existing building.

2. The strict application of the zoning ordinance would unreasonably restrict the utilization of the property.

The requirement to provide two required side yard setbacks totaling 10.00 feet at the affected portion of the lot, which is only 19.33 feet wide, would narrow the buildable area of the lot to 9.33 feet wide. This restriction on the 19.33 wide portion of the lot creates an unreasonable restriction and prohibits reasonable use of the property.

3. The need for a variance is not shared generally by other properties.

The RM zone imposes varying side yard setback requirements for typical residential lots in this zone with provisions to accommodate the zone's historically narrow lots. This lot uniquely has a width greater than 35 feet only at its front portion as a result of the measurement methods required by the Ordinance and its unique "L" shape. The yard requirement varies and is dependent on the width of the lot. The need for the requested variances is not generally shared by other properties because this is a corner lot with two frontages and an irregular shape.

4. The variance is not contrary to the purpose of the ordinance.

The RM zone imposes reasonably restrictive yard requirements for a residential lot. The yard requirement varies and is dependent on the width of the lot. Pursuant to Section 3-1108(C)(3), no side yard is required on a

residential lot which is less than 25 feet wide. This provision is applicable to the lot's frontage and width on Prince Street. The provision would be applicable to the portion of the lot containing the 19.33 feet in width, where the applicant has proposed for a modest sized addition. However, because this portion of the lot is connected to the 63.66 feet of frontage on South Lee Street, two side yards of at least five feet each are required.

However, two side yards required at the 19.33 feet portion of lot make building a modest addition impossible. The applicant has designed the two-story rear addition to align with the rear elevation, which is located in the required side yards. Side yard setbacks relief is required for the side yards facing the south and north side property lines. This addition would correspond with the purpose and intent of the Zoning Ordinance by providing an expansion of the dwelling that is fully in keeping with the established character of the lot and the buildings of the RM zone. While it would not comply with the standards, it would still preserve adequate open space in the rear yard. The RM zone exempts lots narrower than 25 feet from side yard requirements indicating intent to accommodate dwellings on narrow lots.

5. The variance does not include a change in use, which change shall be accomplished by a rezoning.

The variance request does not include a change in use.

B. Analysis of the Criteria for a Variance (Code of Virginia § 15.2-2309)

1. The evidence must show that either the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or granting of the variance would alleviate a hardship due to the physical condition relating to the property improvements thereon at the time of the effective date of the ordinance.

The strict application of the ordinance would unreasonably restrict the utilization of the property. The two required side yard setbacks totaling 10.00 feet for a detached dwelling located on the narrow portion of the lot would reduce the buildable area to 9.33 feet wide, thereby creating an unreasonable restriction and prohibiting reasonable use of the property.

2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.

This lot's hardship was not created by the applicant, as the dwelling was constructed and the lot platted long before the current Zoning Ordinance was written. In addition, the applicant is proposing to replace a portion of an existing one-story rear addition that encroached onto the adjacent property, thus removing an encroachment.

3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

The proposed addition is very modest and would replace an existing part of the dwelling. The design of the addition does not appear to be out of character and would not counter any historic design guidelines.

4. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation that could be adopted as an amendment to the zoning ordinance.

The condition at this lot is unique because of its "L" shape and its large width at the front building line causing it to not qualify to have zero setbacks at the sides unlike typical lots in the RM zone which have consistent lot widths.

5. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

The variance request does not include a change in use. The property would continue to be used a single-family residential dwelling unit.

6. The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

No other remedy is available except a variance.

IX. Staff Conclusion

Staff **recommends approval** of the requested variances because the property meets the criteria for a variance due to the rare uncommon L-shaped of the lot and the restrictive side yard setbacks on the narrow portion of the lot due to the frontage being applied. This application proposes a modest addition suitable for a modern residential configuration in the dwelling. Adequate open space and sensitivity to neighborhood character are maintained with this project.

BZA Case #2017-0018
130 Prince Street

Staff

Alex Dambach, Division Chief, alex.dambach@alexandriava.gov

Mary Christesen, Zoning Manager, mary.christesen@alexandriava.gov

Anh Vu, Urban Planner, anh.vu@alexandriava.gov

DEPARTMENTAL COMMENTS

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

- * The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R1 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R3 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 on the plan. (T&ES)
- F1 Previously reviewed under [BAR2004-00056, BAR2005-00070, BAR2017-00110, BAR2017-00111] (T&ES)
- F2 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- F3 If the alley located at the rear of the parcel is to be used at any point of the construction process the following will be required:
- For a Public Alley – The applicant shall contact T&ES, Construction Permitting & Inspections at (703) 746-4035 to discuss any permits and accommodation requirements that will be required.
- For a Private Alley – The applicant must provide proof, in the form of an affidavit at a minimum, from owner of the alley granting permission of use. (T&ES)
- C1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if

available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)

- C4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)

Board of Architectural Review (BAR):

- F1 The subject property is located in the locally regulated Old and Historic Alexandria District (OHAD). The proposed project will require approval of a Permit to Demolish/Capsulate and a Certificate of Appropriateness from the OHAD Board of Architectural Review (BAR).

Property history: Ethelyn Cox: "May date from 'vendue-store' of Philip Marsteller, who acquired the lot in 1787 for an annual ground rent. Owned by the Bank of Alexandria at the time of the January 1827 fire. In the 1833 partition of the estate of Mordecai Miller, the right to collect the ground rent on this lot, conveyed to Miller in 1797, was awarded to Samuel Miller, who also bought in the property at a tax sale in March 1841. In 1877 Samuel's executors sold it, 'with the buildings thereon,' for \$800."

Map analysis: The edifice on the southeast corner of Prince and S. Lee Street appears in the 1877 Hopkins' City Atlas of Alexandria as a rectangular form with zero setback on both street frontages, abutting its neighbor at 126 Prince, both of which were marked as part of the Elisha Miller estate. To the south is an abutting property on S Lee Street, followed by another abutting property on S. Lee marked "Carp'y Shop."

1885 Sanborn (sheet 9): marked as a 2-story dwelling with a shake roof, addressed 620 Prince. 621 Prince, a 2-story dwelling, abuts it to the east; to the south is a 2-story dwelling with a frame rear porch, 1539 S. Lee Street; to the south of the is a narrow 1.5-story dwelling at 1538 S. Lee St (Figure 3).

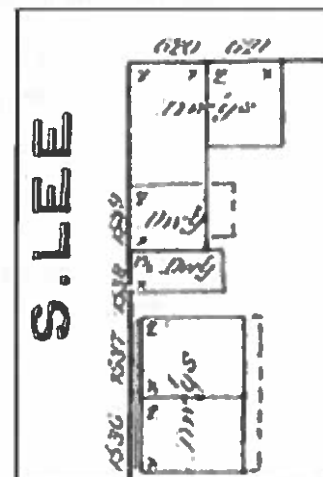


Figure 3: 1885 Sanborn Map

1891 Sanborn (sheet 11): same configuration as 1885 but 130 Prince marked as a Saloon and the abutting dwellings on S. Lee re-addressed 204 and 206.

1896 Sanborn (sheet 8): 130 marked as Saloon & Grocery. The attached dwelling at 204 S. Lee is now shown as 1.5 stories (previously 2). The 1.5-story dwelling at 206 S. Lee is shown detached (not abutting) 204.

1902 Sanborn (sheet 14): 204 now 1-story with 2-story block in rear, where a porch had been previously. This footprint is consistent through 1931, in which all elements are shown as frame construction (Figure 4).

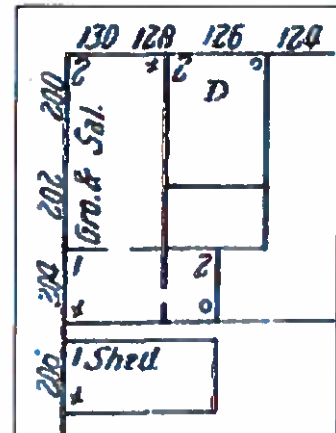


Figure 4: 1902 Sanborn Map

1941 Sanborn (sheet 12): the rear block is shown as 1-story in the S Lee Street side and 2-stories in the rear, without any interior partition; a 1-story, one-bay rear addition added to the telescoping addition behind former 204 S. Lee, now not addressed and apparently part of 130 Prince. Same in 1958 Sanborn (Figure 5).

Permit research: There are only two building permits associated with 130 Prince St. (none for 204 S. Lee St.):

On September 21, 1951, an Alteration/Repair permit (#9898) was issued to owner Mr. Sameth, contractor J. East, for the replacement of siding at the rear of Lee Street, one side. The house was described as vacant, frame residence of "lumber," two-stories with a flat roof.

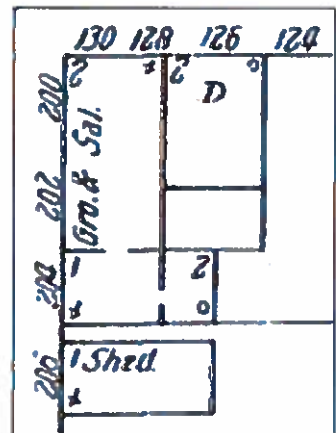


Figure 5: 1941 Sanborn Map

On December 21, 1978, the Arlington Roofing company applied for a repair permit (#34999) ostensibly to re-roof the house.

F2 BAR history: In 1992, a new gate on S. Lee Street was approved at 130 Prince Street (92-6).

In 2004, the applicants applied for rooftop HVAC units and screening (BAR2004-00056) as well as entrance lights, which were approved.

In 2005, the applicants applied for alterations (BAR2005-00070): the installation of a garden perimeter wall and fence for a pergola, which was approved.

C1 The L-shaped lot form is a relatively uncommon lot configuration in Old Town though

there are some instances where these lots exist but they have evolved over time. In this case (without completing any deed research), historic maps suggest that the L-shaped lot was the result of the combining of two individual lots. The 1½ story building section on the southern end of this lot on South Lee Street was, for a period of time in the 19th century, a separate dwelling that was later combined with the corner building. Therefore, considering that this was at one time a more typical narrow rectangular lot, the provision not requiring setbacks for lots under a certain width would be most appropriate to continue historic building patterns. Therefore, BAR staff sees no objection to the variance which would allow the applicant to continue with historically accurate patterns of development on this site.

Historic Alexandria (Archaeology):

- F1 The lot at 130 Prince St. has been actively occupied since Philip Marsteller acquired it in 1787. The property therefore has the potential to yield archaeological resources which could provide insight into domestic activities in Alexandria during the late 18th and early 19th century.
- R1 The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that a monitoring and inspection schedule for city archaeologists can be arranged.
- R2 The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R3 The applicant/developer shall not allow any metal detection or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R4 The statements in archaeology conditions above marked with an asterisk "*" shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

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130 Prince Street

Code Administration:
No comments received.

Recreation (Arborist):
No comments received.

Attachment:

1. Section from the Code of Virginia

ATTACHMENT 1

Code of Virginia § 15.2-2201

...

“Variance” means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

...

Code of Virginia § 15.2-2309(2)

...

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

...



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

Section of zoning ordinance from which request for variance is made:
Section 3-1108 (C) (1): "Each residential lot which is 35 feet wide or more shall
provide two side yards of at least five feet each."

PART A

1. Applicant: ☐ Owner ☐ Contract Purchaser ☒ Agent
Name William Cromley
Address 426 N. Columbus St.
Alexandria, VA 22314
Daytime Phone 703-973-2250
Email Address wm.cromley@mindspring.com
2. Property Location 130 Prince St.
3. Assessment Map # 075.01 Block 11 Lot 01 Zone RM
4. Legal Property Owner Name Greg Wilson & Kathleen Cummings
Address 130 Prince St.
Alexandria, VA 22314

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

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. William Crowley	426 N. Columbus St.	0%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 130 Prince 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. Greg Wilson	130 Prince St.	50%
2. Kathleen Cummings	130 Prince St.	50%
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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 (OHAD and Parker-Gray). All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity below and "NONE" in the corresponding fields.)

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. William Crowley	None	
2. Greg Wilson	None	
3. Kathleen Cummings	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.

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Application and Materials
130 Prince Street
04/24/2017

5. Describe request briefly:

Owners request a variance of Section 3-1108(C)(1) of the zoning ordinance that requires two side yard setbacks of five feet each on lots that are 35 feet wide or more so that they can demolish part of a non-conforming structure and replace it with a new addition and balcony.

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

☒ Yes — Provide proof of current City business license.

☐ No — Said agent shall be required to obtain a business prior to filing application.

PART B

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please attach additional pages where necessary.)

1. Please answer A or B:

A. Explain how enforcement of the zoning ordinance would prevent reasonable use of the property.

Section 3-1108(C)(1) requires two side yard setbacks for lots over 35 feet wide. Because of this lot's unusual "L" shape, and because it is on a corner, setbacks are imposed unreasonably on the 19 foot wide portion of the lot where an addition and balcony are proposed. A 19 foot wide lot in the RM zone requires no side yard setbacks.

B. Explain how the variance, if granted, would alleviate a hardship, as defined above.

130 Prince St has a 22 foot front on Prince St, and because it is on a corner, has a second "front" on S. Lee St that is 63.66 feet in length. The lot is an extremely rare "L" shape, with a 19.33 foot wide appendage facing an 8 foot wide alley perpendicular to Prince St. By granting the requested variance, the hardship of a 19 foot wide lot that is required to have setbacks required for 35 foot or greater lots would be alleviated.

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

2. Is this unreasonable restriction or hardship unique to the property?

A. Explain if the restriction or hardship is shared by other properties in the neighborhood.

No, restriction/hardship is not shared by other properties in the neighborhood; "L" shaped lots are extremely rare in Old Town.

B. Does this situation or condition of the property (on which this application is based) generally apply to other properties in the same zone?

No, "L" shaped lots are uncommon in the RM zone.

3. Was the unreasonable restriction or hardship caused by the applicant?

A. Did the condition exist when the property was purchased?

Yes, 130 Prince Street's "L" shaped lot has existed as far back as 1878.

B. Did the applicant purchase the property without knowing of this restriction or hardship?

Owners did not know that the requirements of Section 3-1108(C)(1) applied to the 19 foot section of their lot. Since a mid-20th Century addition was built without setbacks, it was assumed that no setbacks were required.

C. How and when did the condition, which created the unreasonable restriction or hardship, first occur?

The "L" shaped lot was created sometime in the 19th Century by joining a 22 foot wide lot facing Prince St and a 19 foot lot facing S. Lee St. The hardship/unreasonable restriction occurred when Section 3-1108(C)(1) was applied to this lot at the time the new addition and balcony were proposed. The existing addition was not subject to the current setback requirements when it was built in the 1940's.

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- D. Did the applicant create the unreasonable restriction or hardship and, if so, how was it created?**

No, the unreasonable restriction/hardship was created when RM zone regulations were written without taking "L" shaped or unusual lot configurations into consideration.

- 4. Will the variance, if granted, be harmful to others?**

- A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.**

No, proposed variance will not be detrimental to adjacent property owners. To the contrary, the proposed addition and balcony will reduce the visual bulk of the existing structure, provide more visual open space on the lot, and partially eliminate a 9 inch encroachment onto neighboring property at 126 Prince St.

- B. Has the applicant shown the proposed plans to the most affected property owners? Have these property owners written statements of support or opposition of the proposed variance? If so, please attach the statements or submit at the time of the hearing.**

Yes, owners have shared proposed plans with the most affected property owners and they have expressed no objections to the project.

- 5. Is there any other administrative or procedural remedy to relieve the hardship or unreasonable restriction?**

No, as written, Section 3-1108(C)(1) does not allow for exceptions in cases of irregular or unusual shaped lots.

PART C

- 1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

Yes, Applicant requested that a determination be made that side yard setbacks would not be required on the 19 foot wide portion of the lot, but it was determined that Section 3-1108(C)(1) does not address irregular shaped lots, hence setbacks were required.

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Additionally, several different alternative designs were considered, but because the existing 1st floor of the house sits 5 feet above grade a long staircase must be included in any design. Because a code compliant stair must be 3 feet wide with a minimum rise & run, the resulting stair must also be set back from the property line. A 3 foot stair plus two five foot wide setbacks leaves room for only a 6 foot wide addition. Placing the stair at the rear of the addition and incorporating it into the proposed balcony allows for the stairs share the same open space as the balcony but, because of it's length, does not allow it to meet the two side yard setbacks required by Section 3-1108(C)(1).

2. Please provide any other information you believe demonstrates that the requested variance meets the required standards.

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130 Prince Street
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THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

☒ I, as the applicant or authorized agent, note that there is a fee associated with the submittal of this application. Planning & Zoning Department staff will be in contact with the applicant regarding payment methods. Please recognize that applications will not be processed until all fees are paid.

☒ Yes ☐ No I affirm that I, the applicant or authorized agent, am responsible for the processing of this application and agree to adhere to all the requirements and information herein.

Printed Name: William Cromley

Date: 4/21/17

Signature: 

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

*****ATTENTION APPLICANTS*****

At the time of application for a Special Use Permit, Rezoning, Vacation, Encroachment, Variance, Special Exception or Subdivision, you must provide a draft of the description of your request you intend to use in the property owner's notice. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The example illustrates a detailed description:

"Variance to construct a two-story addition in the required side yards on _____ Street."

If you fail to submit draft language at the time of the application filing deadline, the application will be determined to be incomplete and may be deferred by staff.

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

REVISED



DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

A. Property Information

A1. Street Address 130 Prince Street

Zone RM

A2. 2541

x 1.5

= 3811.5

Total Lot Area

Floor Area Ratio Allowed by Zone

Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	1713.55	Basement**	1713.55
First Floor	1713.55	Stairways**	209
Second Floor	1713.55	Mechanical**	0
Third Floor	0	Other**	0
Porches/ Other	0	Total Exclusions	1922.55
Total Gross *	5140.65		

B1. Existing Gross Floor Area *
5140.65 Sq. Ft.

B2. Allowable Floor Exclusions**
1922.55 Sq. Ft.

B3. Existing Floor Area minus Exclusions
3218.1 Sq. Ft.
(subtract B2 from B1)

Stairways Breakdown:

1st Floor Front Foyer from door = 37 sf
1st Floor Front Stair = 49 sf
1st Floor Rear Stair = 40 sf
2nd Floor Front Stair = 49 sf
2nd Floor Rear Stair = 34 sf

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement	0	Basement**	0
First Floor	43 infill	Stairways**	0
Second Floor	43 infill + 90	Mechanical**	0
Third Floor	0	Other**	0
Porches/ Other	46.86*2=93.72	Total Exclusions	
Total Gross *	269.72		

C1. Proposed Gross Floor Area *
269.72 Sq. Ft.

C2. Allowable Floor Exclusions**
0 Sq. Ft.

C3. Proposed Floor Area minus Exclusions
269.72 Sq. Ft.
(subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 3487.82 Sq. Ft.

D2. Total Floor Area Allowed by Zone (A2) 3811.5 Sq. Ft.

*Gross floor area is the sum of all gross horizontal areas under roof, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

**Refer to the zoning ordinance (Section 2-145(f)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas must be submitted for review. Sections may also be required for some exclusions.

F. Open Space Calculations

Existing Open Space	714.6 + 31.5 (demo) =
Required Open Space	889.35
Proposed Open Space	714.6 (exist) + 34 = 748.6

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: Wm. Crumley

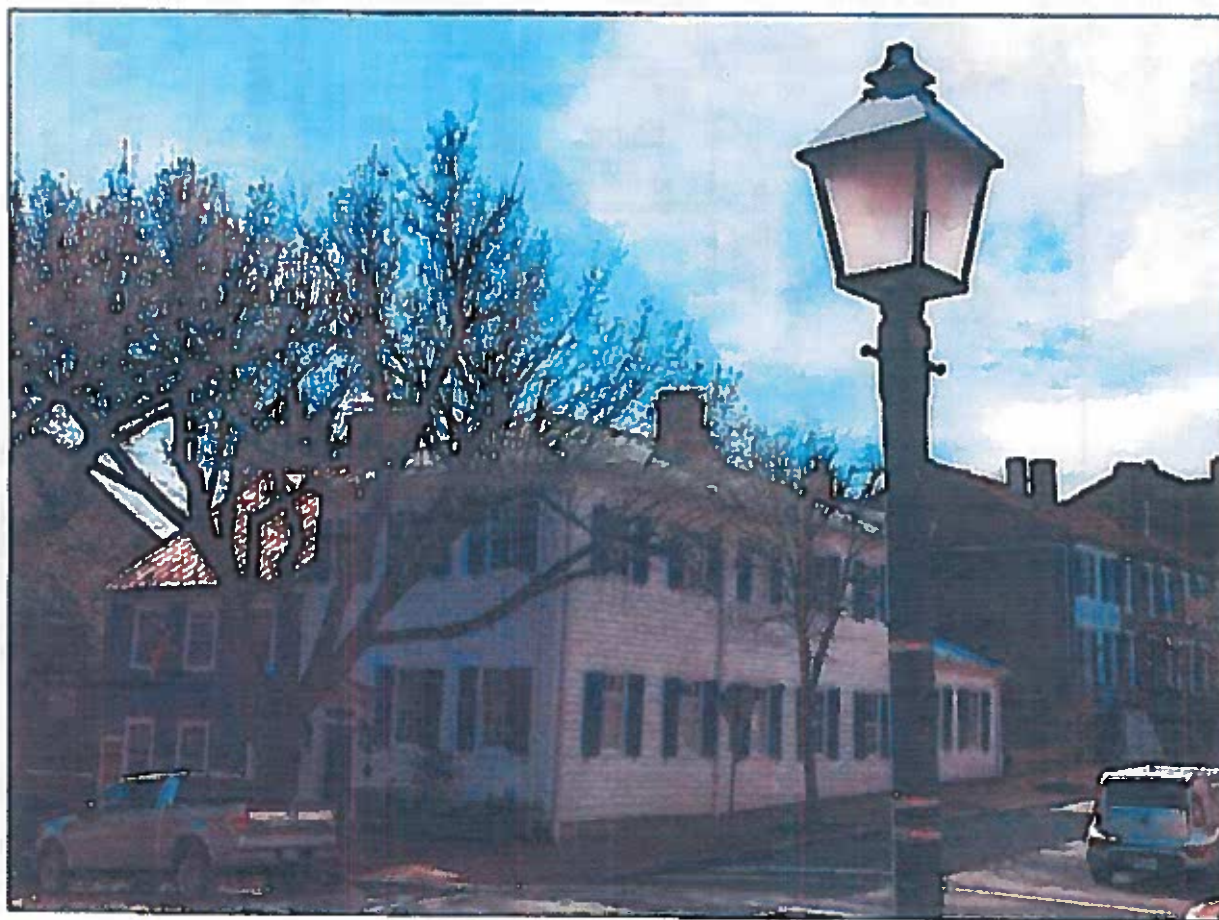
Date: 5/3/2017

Updated July 10, 2008

130 Prince Street
Alexandria, Virginia

BOARD OF ZONING APPEALS -
VARIANCE

SUBMITTAL: APRIL 24, 2017



130 PRINCE STREET FROM CROSS STREETS (S. LEE & PRINCE)

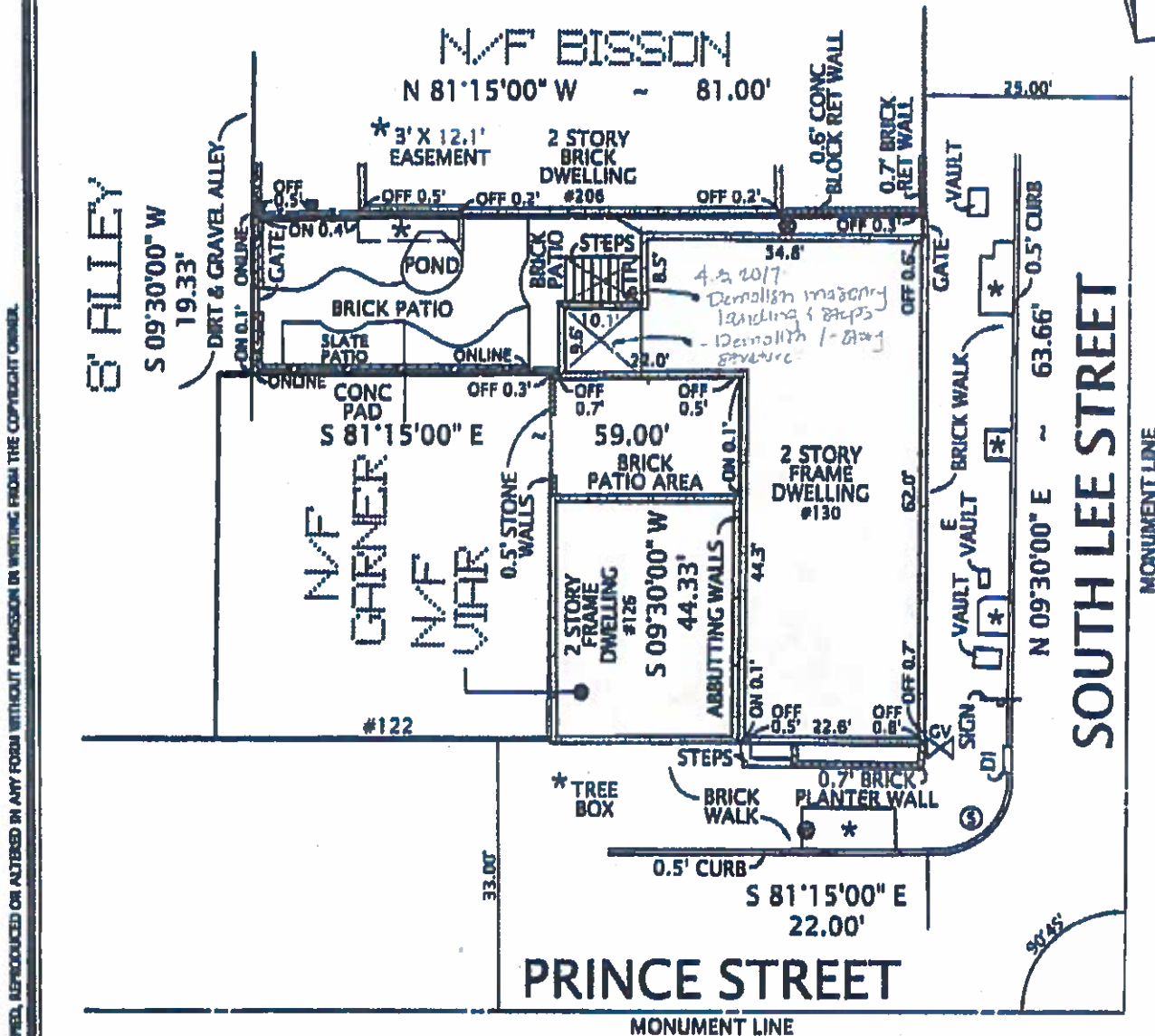
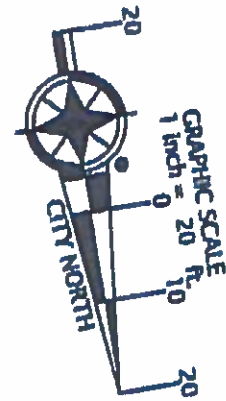
BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

DRAWING INDEX

C-1	Cover Sheet, Drawing Index
C-2	Survey - Existing
C-3	Survey - Proposed
SK-1	Site Plan Diagram - Existing
SK-2	Overlay Diagram - Existing & Proposed Site Plan
SK-3	Site Plan Diagram - Proposed
SK-4	Open Space Diagram - Existing
SK-5	Open Space Diagram - Proposed
A-1	F.A.R. Worksheet
A-2	Existing Photos
A-3	Proposed 3D Model Views
A-4	Proposed Front (North) Elevation
A-5	Proposed Side (West) Elevation
A-6	Proposed Rear (South) Elevation
A-7	Proposed Rear (East) Elevation
A-8	Proposed Rear (North) Elevation

Erin May, Architect 703.838.6666 erin@erinmayarch.com	William Cromley Design / Development 426 N. Columbus St. Alexandria, VA 22314 703.973.2230 wml.cromley@mindspring.com	COVER SHEET 130 Prince Street, Alexandria Virginia	Scale: Issue Set: BZA Date: 4/24/2017	C-1
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- NOTES: 1. FENCES ARE FRAME.
2. UTILITIES ARE UNDERGROUND.
3. PILLARS ARE 1.4' BRICK.
4. RETAINING WALLS ARE 1.0' STONE UNLESS NOTED.
5. AREA = 2,541 SF



PLAT
SHOWING HOUSE LOCATION ON
THE PROPERTY LOCATED AT
#130 PRINCE STREET
(INSTRUMENT #100008749)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' JANUARY 05, 2017

I HEREBY CERTIFY THAT THE POSITIONS OF
ALL THE EXISTING IMPROVEMENTS HAVE BEEN
CAREFULLY ESTABLISHED BY A CURRENT FIELD
SURVEY AND UNLESS SHOWN THERE ARE NO
VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO
RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



CASE NAME:

TRUSTEES OF MELMER FAMILY TRUST-
WILSON/CUMMINGS
SCOTT B. WEAVER, ATTORNEY AT LAW

DOMINION Surveyors
Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

CASE NAME: WILSON/CUMMINGS

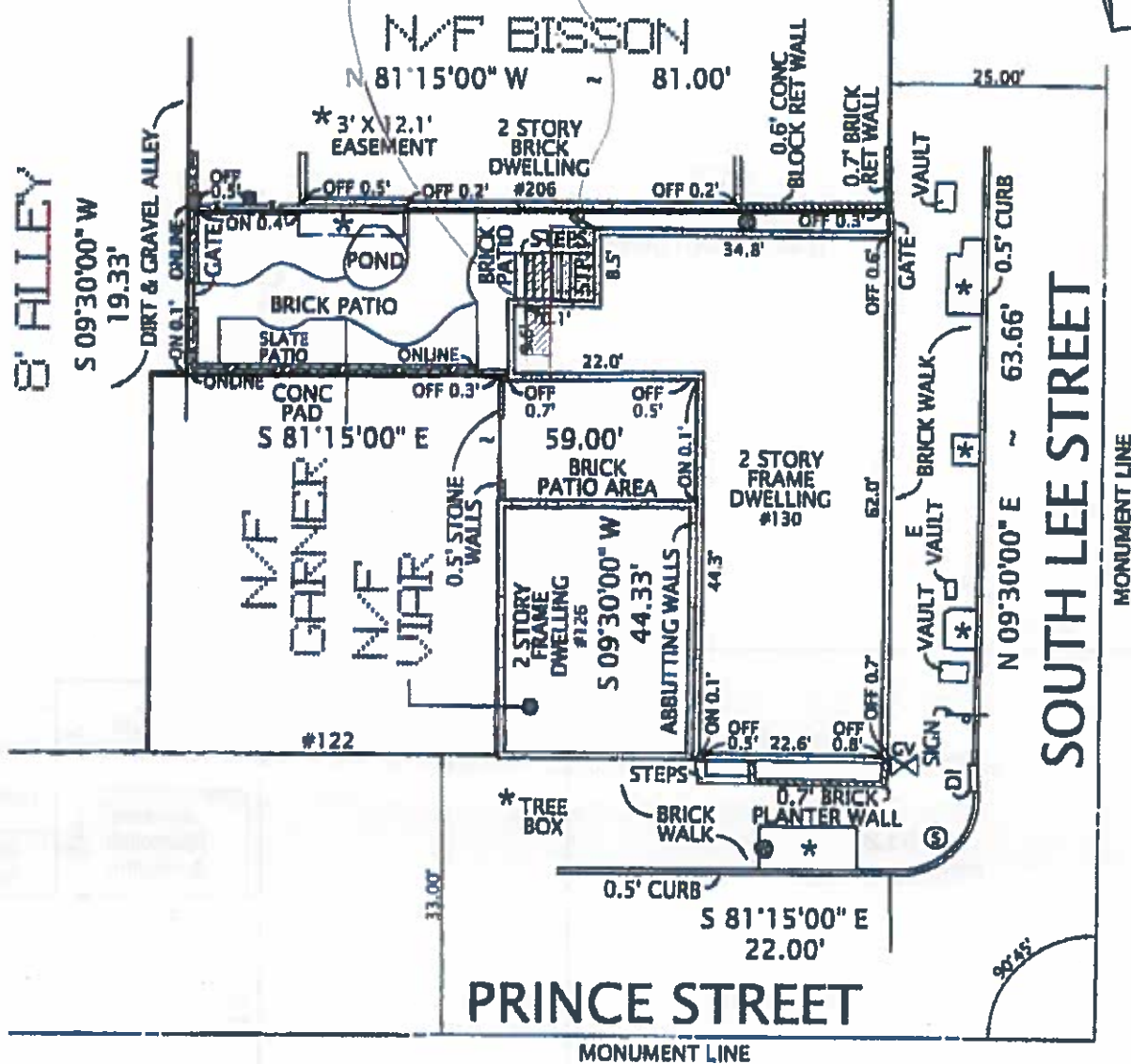
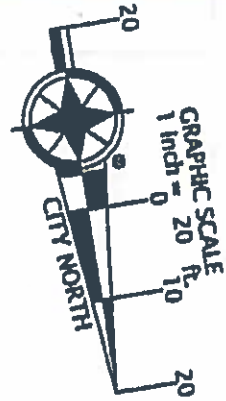
EXISTING HOUSE LOCATION SURVEY
B.Z.A. - 4/24/2017

#161228005

SHEET C-2

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

- NOTES: 1. FENCES ARE FRAME.
2. UTILITIES ARE UNDERGROUND.
3. PILLARS ARE 1.4' BRICK.
4. RETAINING WALLS ARE 1.0' STONE UNLESS NOTED.
5. AREA = 2,541 SF



PLAT
SHOWING HOUSE LOCATION ON
THE PROPERTY LOCATED AT
#130 PRINCE STREET
(INSTRUMENT #100008749)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' JANUARY 05, 2017

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



CASE NAME:
TRUSTEES OF MELMER FAMILY TRUST-
WILSON/CUMMINGS
SCOTT B. WEAVER, ATTORNEY AT LAW

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8808-H PEAR TREE VILLAGE COURT
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703-619-6555
FAX: 703-799-6412

CASE NAME: WILSON/CUMMINGS

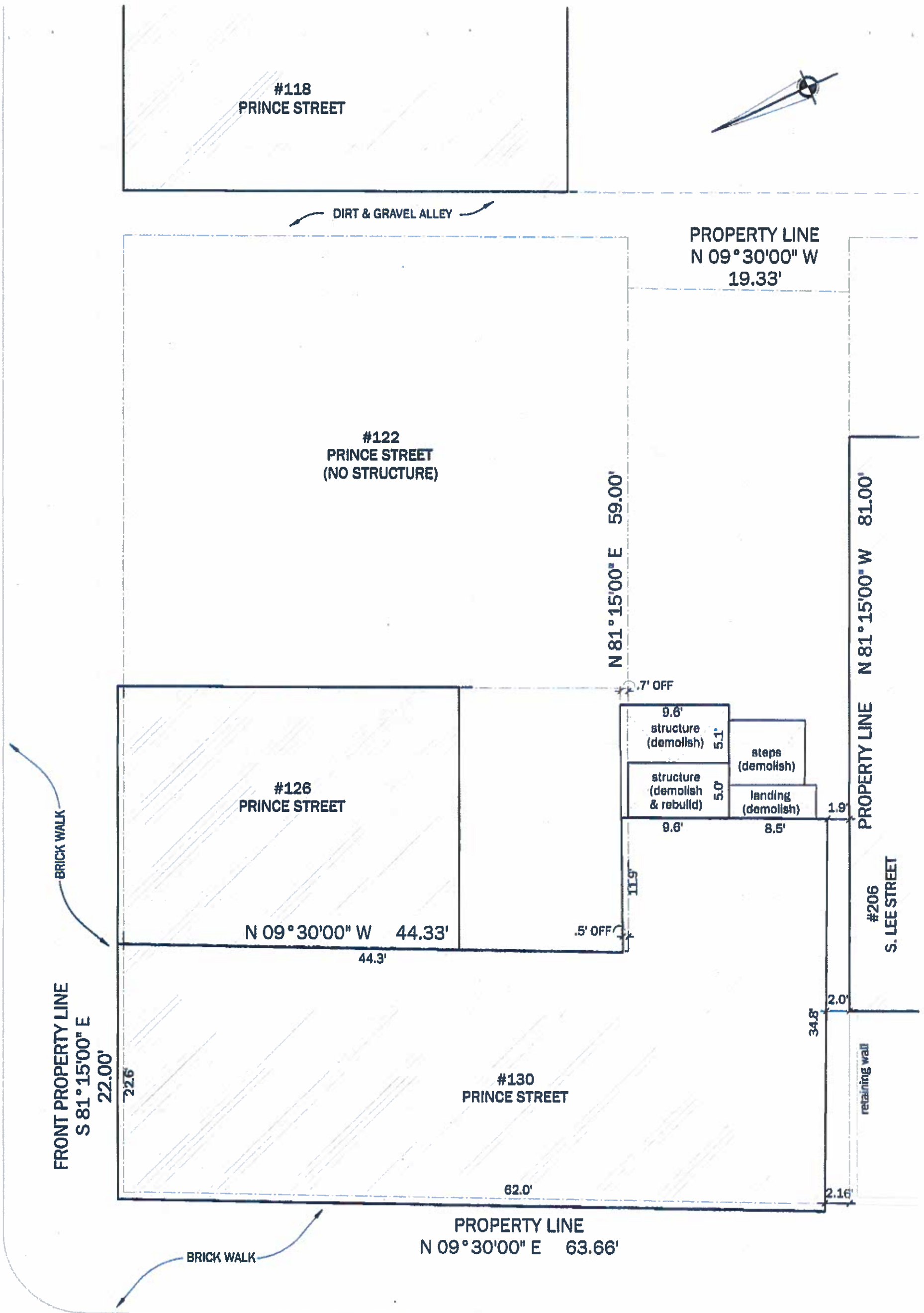
Proposed House Location Survey
B.Z.A. - 4/24/2017

#161228005

Sheet C-3

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

PRINCE STREET



DEMOLISH

EXISTING

S. LEE STREET

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

Erin May, Architect 703.838.6686 erin@erinmayarch.com	William Cromley Design / Development 424 N. Columbus St. Alexandria, VA 22314 703.973.2250 wm.cromley@mindapring.com	EXISTING SITE PLAN DIAGRAM 130 Prince Street, Alexandria Virginia 29	Scale: 1/8" = 1'-0" Issue Set: BZA Date: 4/24/2017	SK-1
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PRINCE STREET

FRONT PROPERTY LINE
S 81° 15' 00" E
22.00'

BRICK WALK

#118
PRINCE STREET

DIRT & GRAVEL ALLEY

PROPERTY LINE
N 09° 30' 00" W
19.33'

#122
PRINCE STREET
(NO STRUCTURE)

N 81° 15' 00" E 59.00'

#126
PRINCE STREET

N 09° 30' 00" W 44.33'
44.3'

.7' OFF

.5' OFF

17.4'
14.2'
1.6'
14.2'
3.3'
1.9'
9.6'
8.6'
5.0'
1.9'

PROPERTY LINE N 81° 15' 00" W 81.00'





#206
S. LEE STREET

#130
PRINCE STREET

retaining wall

PROPERTY LINE
N 09° 30' 00" E 63.66'

BRICK WALK

-  PROPOSED DEMOLITION
-  EXISTING STRUCTURES
-  NEW 2-STORY STRUCTURE (182 total s.f.)
-  NEW 2-STORY PORCH (93.72 total s.f.)

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

S. LEE STREET

Erin May, Architect	William Cromley Design / Development	EXISTING & PROPOSED SITE PLAN OVERLAY	Scale: 1/8" = 1'-0"	SK-2
703.836.6666 erin@erinmayarch.com	426 N. Columbus St. Alexandria, VA 22314	130 Prince Street, Alexandria Virginia	Issue Set: BZA Date: 4/24/2017	
	703.973.2250 wcm.cromley@mindspring.com	30		

PRINCE STREET

FRONT PROPERTY LINE
S 81° 15' 00" E
22.00'

BRICK WALK

#118
PRINCE STREET

DIRT & GRAVEL ALLEY

#122
PRINCE STREET
(NO STRUCTURE)

#126
PRINCE STREET

N 09° 30' 00" W 44.33'
44.3'

#130
PRINCE STREET

PROPERTY LINE
N 09° 30' 00" E 63.66'

BRICK WALK

N 81° 15' 00" E 59.00'

PROPERTY LINE
N 09° 30' 00" W
19.33'

17.4'
14.2'
1.6'
14.2'
3.3'
9.6'
8.6'
5.0'
1.9'
1.9'

.7' OFF

.5' OFF

119

PROPERTY LINE N 81° 15' 00" W 81.00'

#206
S. LEE STREET

34.8'

2.0'

retaining wall

2.16'



EXISTING STRUCTURES

NEW 2-STORY STRUCTURE (182 total s.f.)

NEW 2-STORY PORCH (93.72 total s.f.)

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

S. LEE STREET

Erin May, Architect

703.836.6688

erin@erinmayarch.com

William Cromley Design / Development

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Alexandria, VA 22314

703.973.2250
wm.cromley@mindspring.com

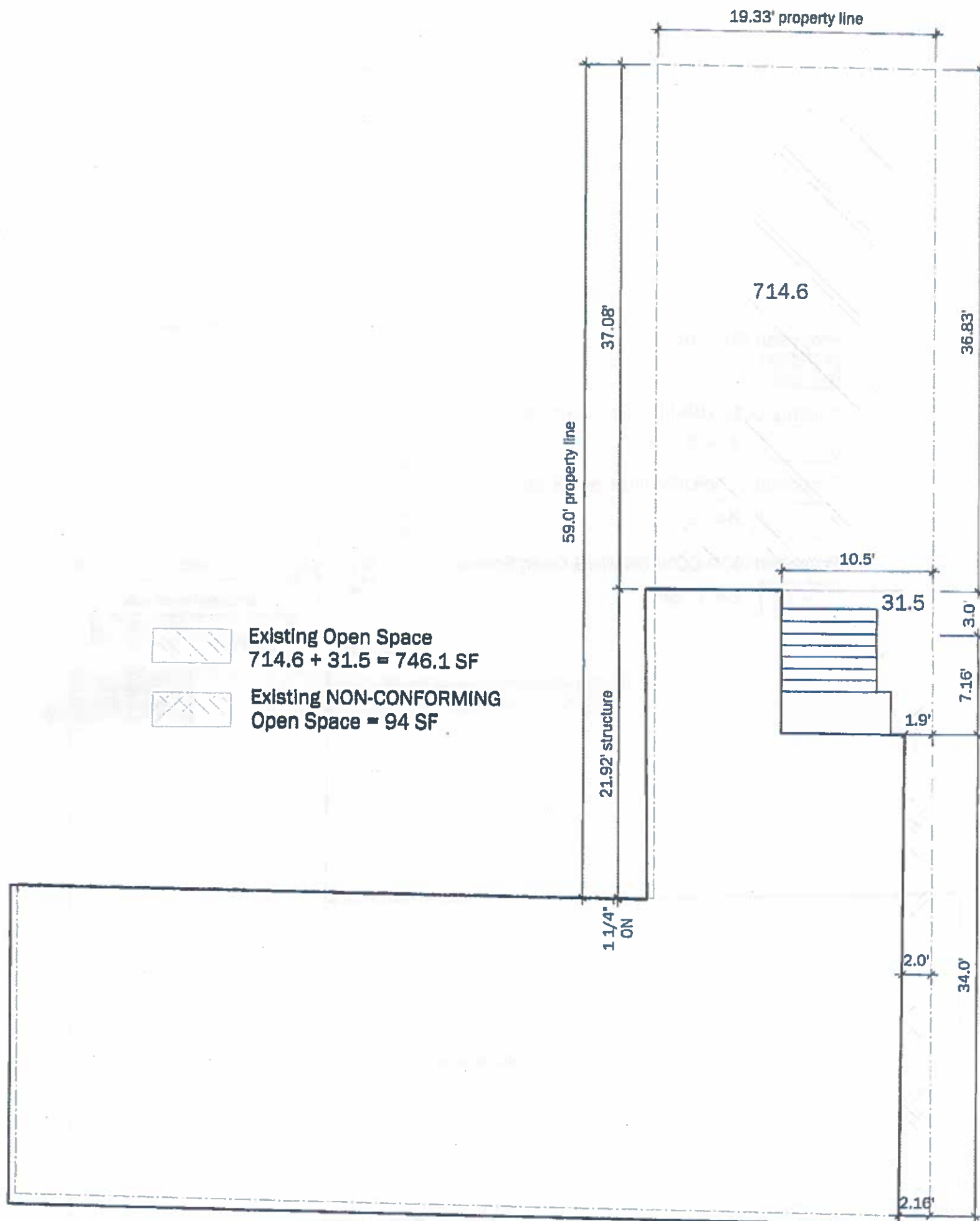
PROPOSED SITE PLAN DIAGRAM

130 Prince Street, Alexandria Virginia
31

Scale: 1/8" = 1'-0"

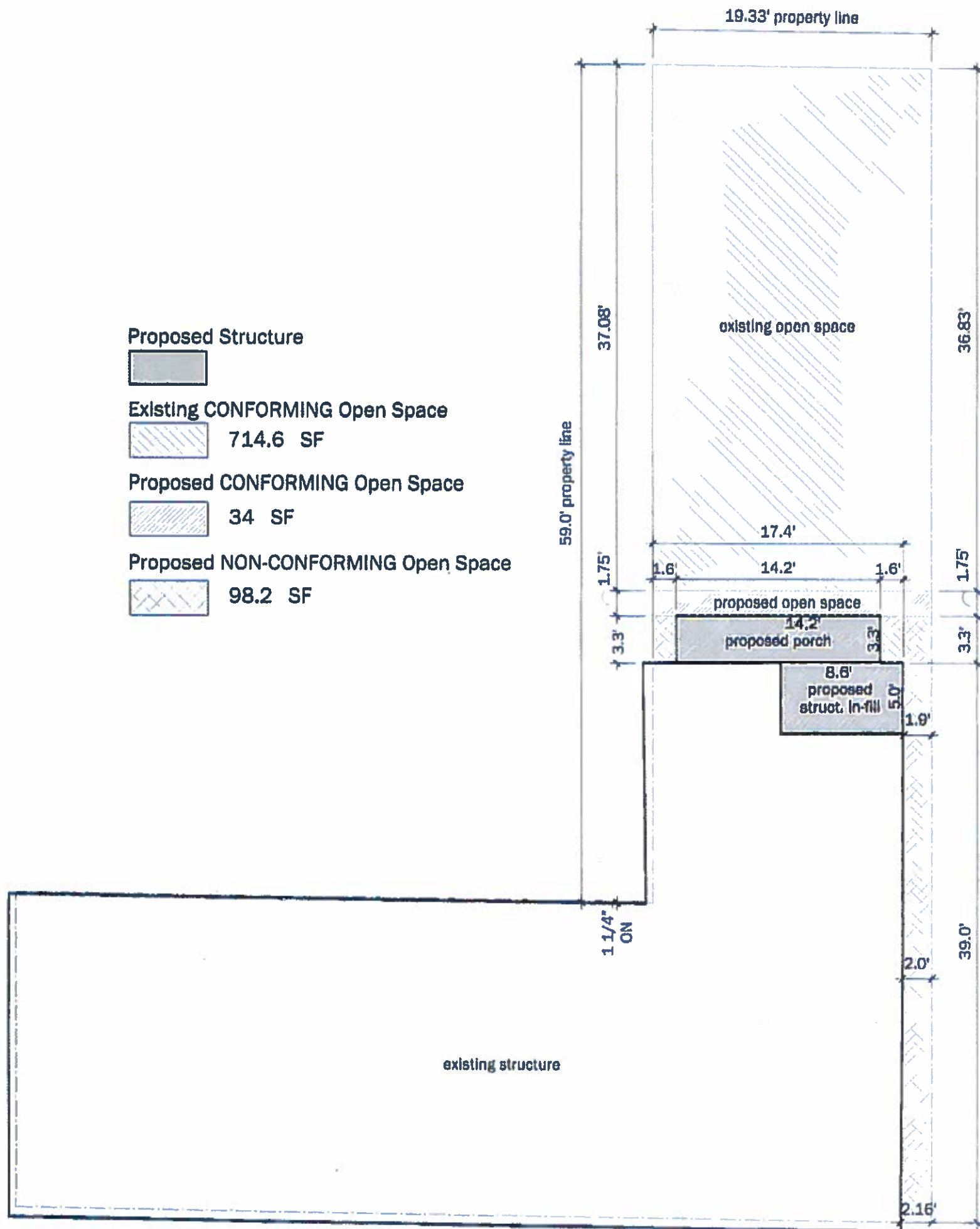
Issue Set: BZA
Date: 4/24/2017

SK-3



BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

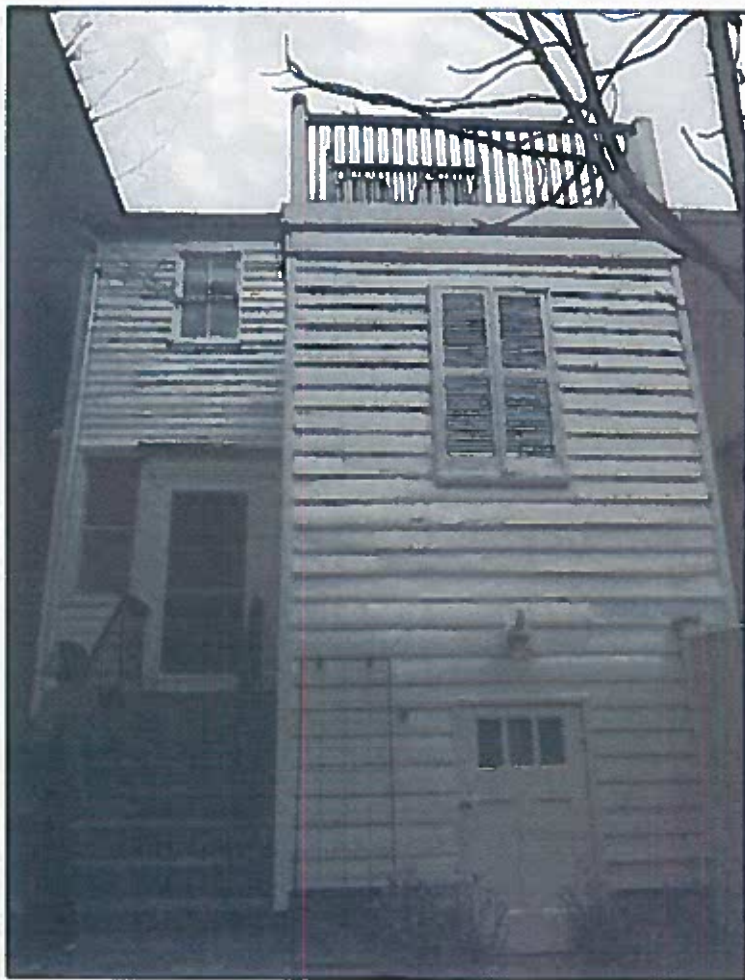
Erin May, Architect 703.836.8668 erin@erinmayarch.com	William Cromley Design / Development 426 N. Columbus St. Alexandria, VA 22314 703.973.2250 wcm.cromley@mindspring.com	EXISTING OPEN SPACE DIAGRAM 130 Prince Street, Alexandria Virginia 32	Scale: 1/8" = 1'-0" Issue Set: BZA Date: 4/24/2017	SK-4
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BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017



S. LEE STREET ELEVATION - LOOKING NORTHEAST



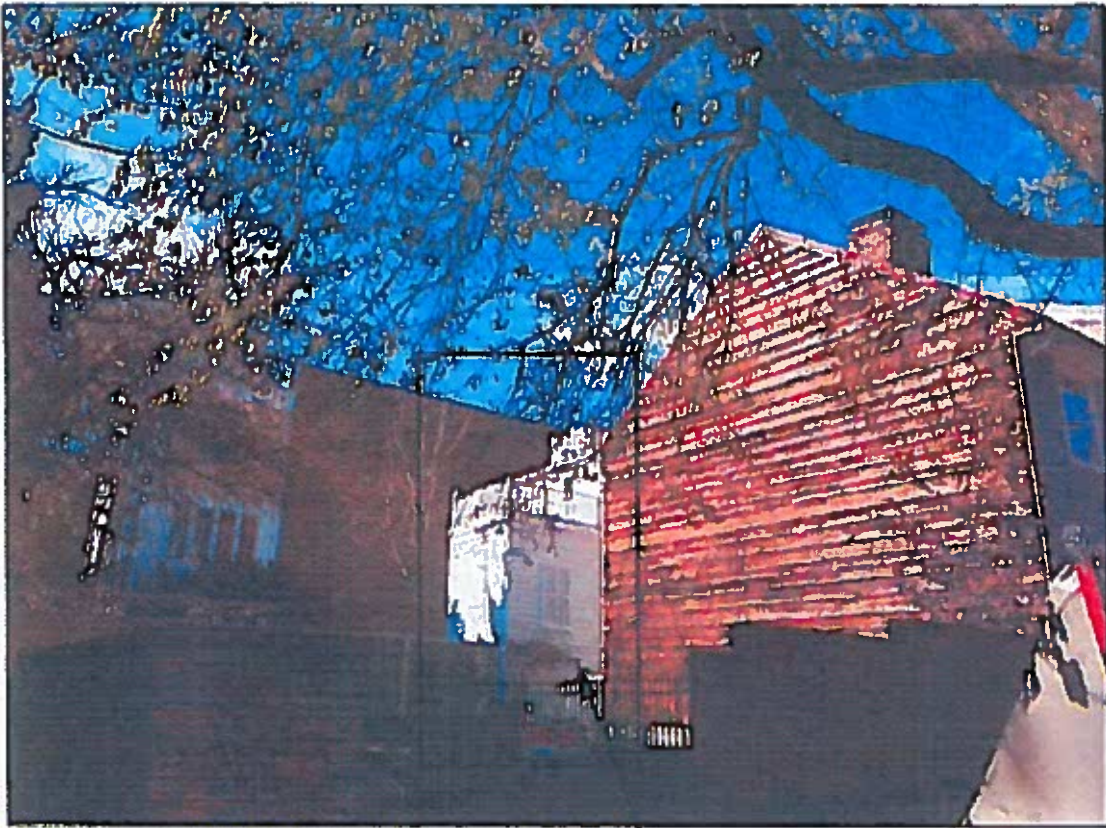
REAR ELEVATION



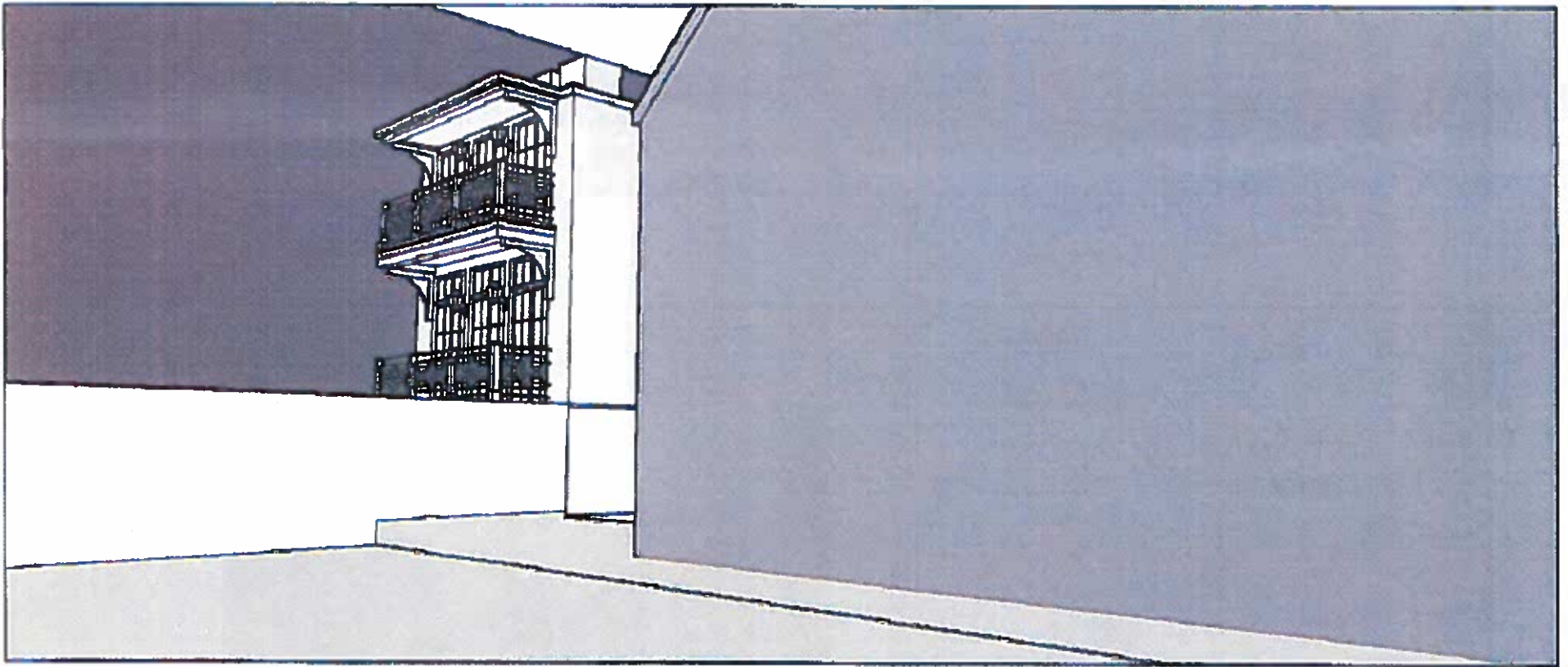
NORTH EAST ELEVATION FROM PRINCE STREET

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

Erin May, Architect 703.836.6666 erin@erinnmayarch.com	William Cromley Design / Development 426 N. Columbus St. Alexandria, VA 22314 703.973.2250 wm.cromley@mindspring.com	EXISTING PHOTOS	Scale:	A-2
		130 Prince Street, Alexandria Virginia	Issue Set: BZA Date: 4/24/2017	



EXISTING NORTH EAST ELEVATION FROM PRINCE STREET



PROPOSED NORTH EAST ELEVATION FROM PRINCE STREET

BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017

Erin May, Architect 703.838.8688 erin@erinmayarch.com 	William Cromley Design / Development 426 N. Columbus St. Alexandria, VA 22314 703.973.2250 wm.cromley@mindapring.com	PROPOSED 3D PERSPECTIVES 130 Prince Street, Alexandria Virginia	Scale: Issue Set: BZA Date: 4/24/2017	A-3



BZA Case # 2017-00018
Application and Materials
130 Prince Street
04/24/2017



BZA Case # 2017-00018
 Application and Materials
 130 Prince Street
 04/24/2017

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 erin@erlmayarch.com


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 Alexandria, VA 22314
 703.973.2250
 wmcromley@mindspring.com

SIDE (WEST) ELEVATION - PROPOSED

130 Prince Street Alexandria, Virginia

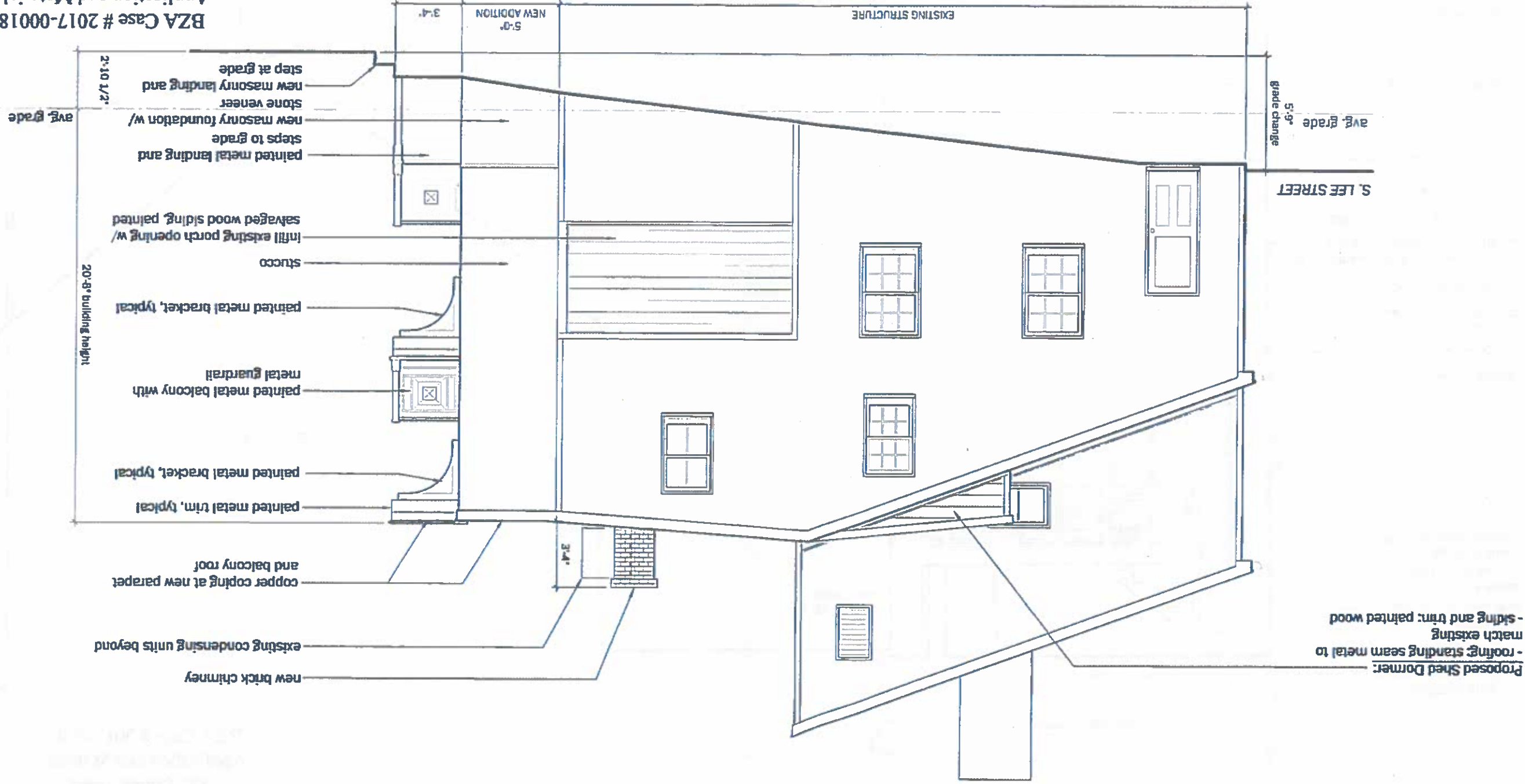
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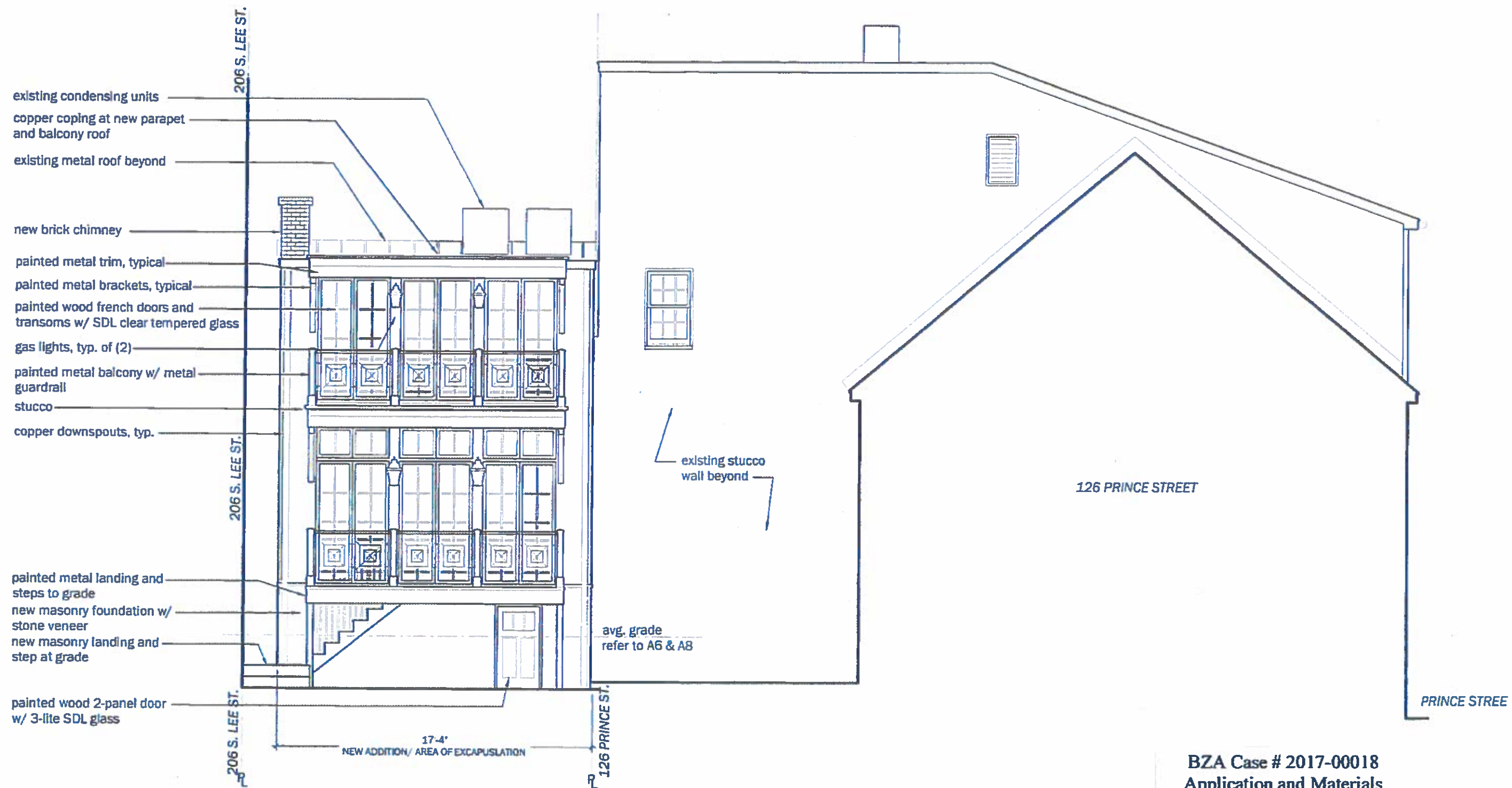
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Issue Set: B.Z.A.
 Date: 4/24/2017

A-5

BZA Case # 2017-00018
 130 Prince Street
 Application and Materials
 04/24/2017





Erin May, Architect

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erin@erinmayarch.com



William Cromley Design / Development

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Alexandria, VA 22314

703.973.2250
wmcromley@williamcromley.com

REAR (EAST) ELEVATION - PROPOSED

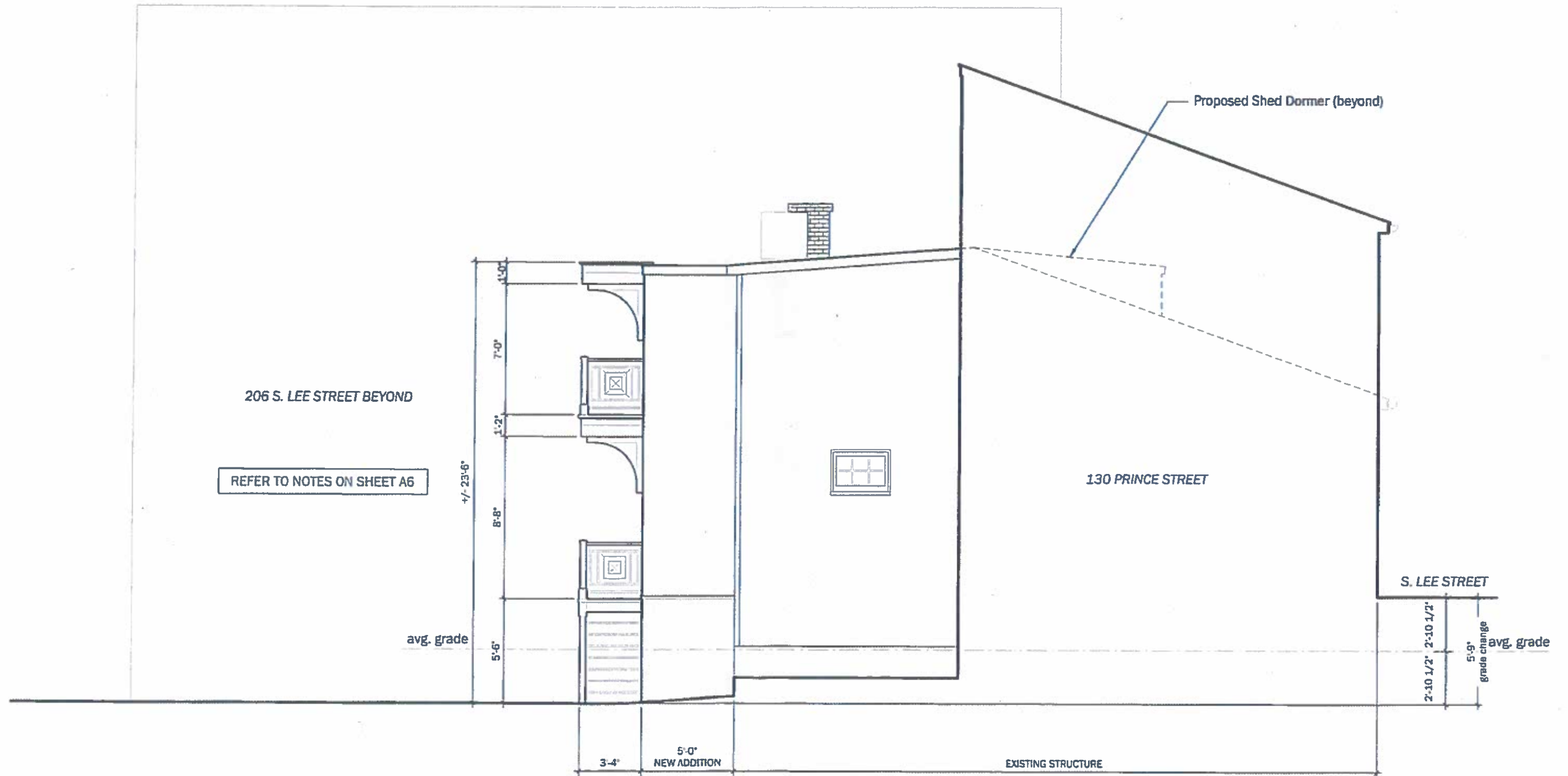
130 Prince Street Alexandria, Virginia

39

Scale: 3/16" = 1'-0"

Issue Set: BZA
Date: 4/24/2017

A-7



Erin May, Architect

703.836.6666

erin@erinmayarch.com



William Cromley Design / Development

426 N. Columbus St
 Alexandria, VA 22314

703.973.2250
 w.cromley@mindspring.com

REAR (NORTH) ELEVATION - PROPOSED

130 Prince Street Alexandria, Virginia

40

Scale: 3/16" = 1'-0"

Issue Set: BZA.
 Date: 4/24/2017

A-8