

Docket Item # 4
BZA #2018-0007
Board of Zoning Appeals
June 14, 2018

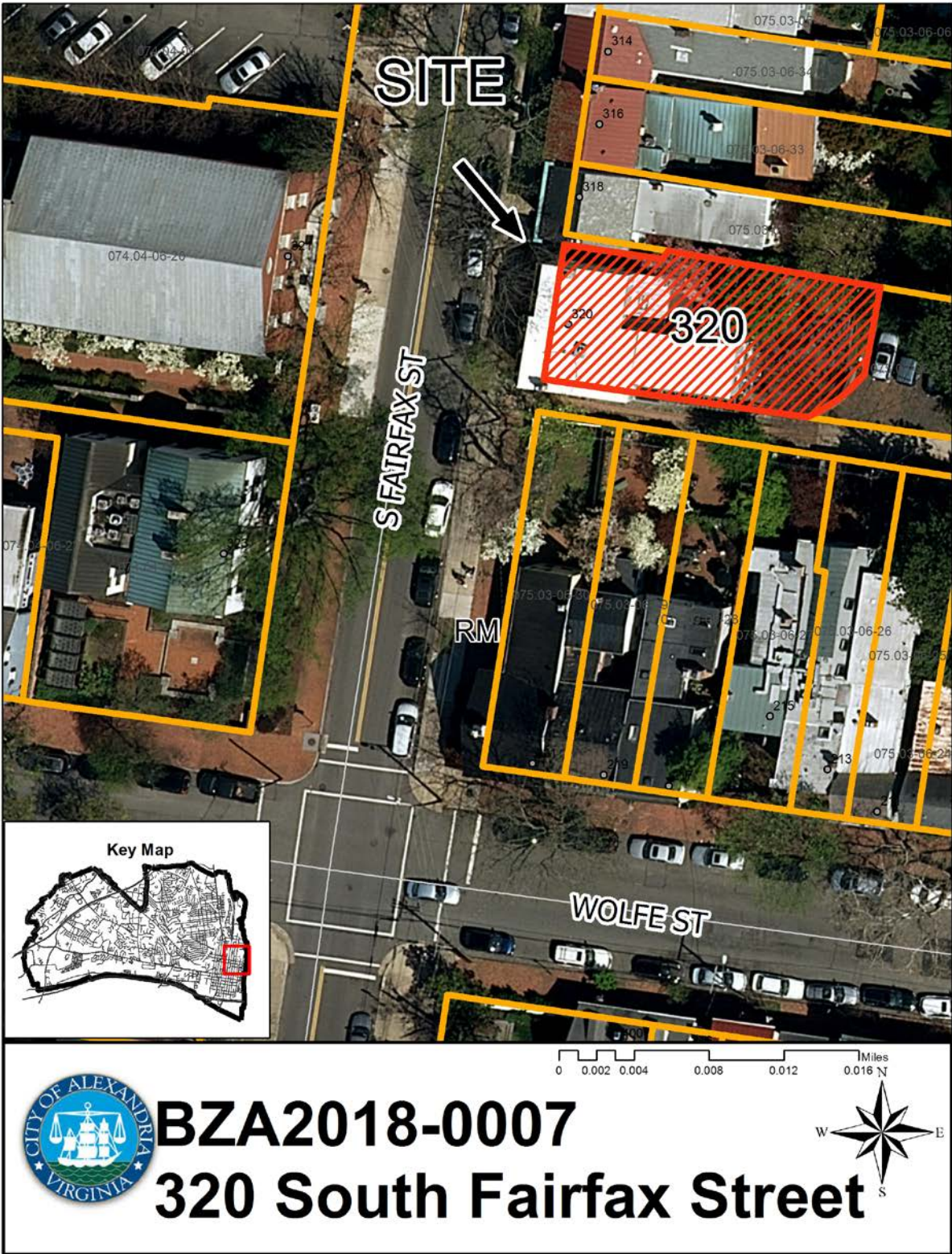
ADDRESS: 320 SOUTH FAIRFAX STREET
ZONE: RM/TOWNHOUSE ZONE
APPLICANT: ASHLEY E. AND SAMUEL H. CHAMBERLAIN

ISSUE: Variance request to construct a second-story addition in the required side yard.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(A)(2)(a)	Side Yard	5.00 feet	3.20 feet	1.80 feet

Staff **recommends denial** of the request because it does not meet the variance definition and standards.

If the Board grants the requested variance, the applicant must comply with all requirements of this report’s department comments. The applicant must also submit a survey plat prepared by a licensed surveyor confirming building footprint and setbacks prior to all final inspections. The variance must be recorded with the property’s deed in the City’s Land Records Office prior to the release of the building permit.



I. Issue:

The applicants propose a second-story addition to their two-story single-family dwelling at 320 South Fairfax Street. The proposed addition would be located above the existing footprint of a single-story portion of the dwelling within the required north side yard. The applicants request a variance of 1.80 feet from the required side yard setback of 5.00 feet to construct the proposed addition 3.20 feet from the north side lot line.

II. Background:

The subject property is an irregularly shaped lot of record with 38.03 feet of frontage along South Fairfax Street and 3,360 square feet of lot area. It complies with the RM zone's minimum lot size, width, and frontage requirements. The subject property is located in the Old and Historic Alexandria Historic District (OHAD) and any exterior alterations must be approved by the OHAD Board of Architectural Review. According to City records, private alleys abut the subject property's north and south side lot lines. The alley to the north juts into the subject property, narrowing its width by about 2.20 feet.



Figure 1 - Subject property

The subject property and the adjoining parcel to the rear at 315 South Lee Street were re-subdivided between 1966 and 1984 to establish the lots in their current configuration. Prior to 1984, the subject property was addressed as 322 South Fairfax Street.

According to Real Estate Assessment Records, the existing Victorian-style dwelling was constructed in 1880. The dwelling is located 0.60 feet beyond the front lot line, 3.20 feet from the north side lot line, 0.70 feet beyond the south side lot line, and 25.10 feet from the rear lot line. The dwelling contains 2,885 square feet of net floor area.

III. Description:

The applicants propose a second-story addition above an existing single-story portion and open porch. The applicants propose to demolish the existing open porch. A portion of the addition would project over an unenclosed area on the first floor. The addition would measure 14.75 feet by 14.75 feet and contain approximately 220 square feet of new floor area.

Because of the irregular shape of the north side lot line, eight feet of the proposed addition's north elevation would be located 3.20 feet from the north side lot line. The remainder of the addition along the north elevation would be between 5.00 and 5.40 feet from the north

side lot line. Based on a height to setback ratio of 1:2 with a minimum rear yard of 16 feet, the addition would be required to provide a 16-foot rear yard.

The Board of Zoning Appeals granted a variance (BZA Case #5045) of 5.00 feet from the required 8.00 side yard on May 24, 1984 to allow construction of a two-story addition 3.00 feet from the north side lot line. The staff report stated that because this lot was subdivided after 1953, eight-foot side yards were required rather than five-foot side yards. Figure two, below, shows the elevations as approved by the BZA in 1984.

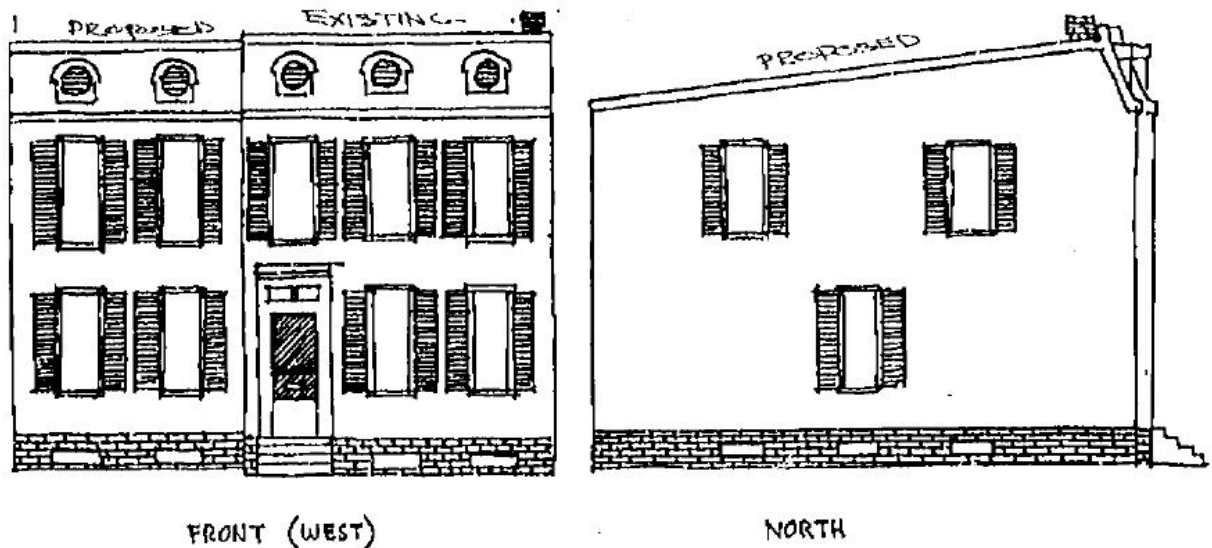


Figure 2 – Elevations approved under BZA Case #5045

The BZA approved the request on a vote of three to one and found that the “odd shape of lot with jog on north boundary creates a hardship; difficult to place addition; will not unduly affect adjacent property owners.” The dissenting Board member found that applicant did not demonstrate a hardship. The Zoning Ordinance variance standards have also changed since this approval.

A previous owner of the adjacent property to the north at 318 South Fairfax Street filed a petition to the Circuit Court of Alexandria in June 1984, appealing the BZA decision. The appeal was later settled with a consent order recorded on February 12, 1985 containing three restrictive covenants:

1. Any addition built to 322 South Fairfax Street, Alexandria, Virginia shall continue for no more than twenty-four (24) feet from the front lot line as a two story addition of normal height, and thereafter, as a one-story addition of normal height for an additional nine and one-half (9-1/2) feet. The owner of said property covenants that there will never be any improvement built on top of the one story addition.
2. Further, the owner covenants to not construct a building (excluding swimming

pool and similar structures) in the area east of the one story addition for a period of ten (10) years from the date of this consent order.

3. Further, the owner covenants that any chimney built for the new addition will be completely within the exterior wall of the proposed addition.

Under the consent order, the then homeowner of the subject property agreed to remove a portion of the proposed second-story addition approved by the BZA. Figure three, below, shows the current configuration of the 1984 addition with the restrictions set by the consent order.

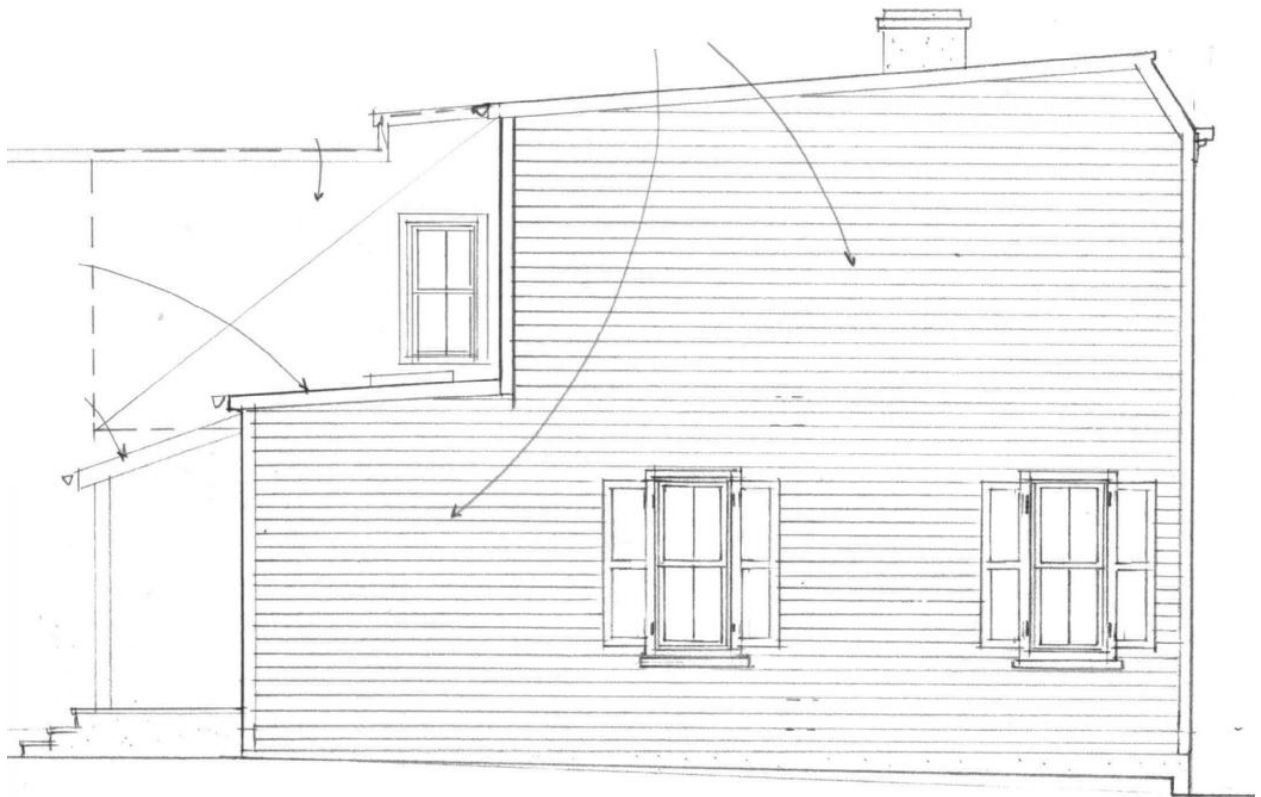


Figure 3 - Existing elevation

The applicants filed an agreement dated May 21, 2018 with the current owner of 318 South Fairfax Street. The agreement contains the plans for the proposed addition and states that the current owner of 318 South Fairfax Street “has agreed to consent to the construction of the Addition provided such Addition is constructed in accordance with the plans, and to support Chamberlain’s [the applicant] application for a BZA variance and BAR Certificate of Appropriateness.” The agreement also states the following:

Except as specifically modified by this Agreement with respect to the Addition evidenced by the Plans, the provisions of the Covenant [1985 Consent Order] shall remain in full force and effect.

The proposal would comply with floor area and all other zoning regulations upon completion.

The following table provides a breakdown of all applicable zoning regulations as they pertain to the proposed dwelling:

RM Zone	Required/Permitted	Existing	Proposed
Lot Area	1,452 Sq. Ft.	3,360 Sq. Ft.	3,360 Sq. Ft.
Lot Width/ Frontage	25.00 Ft.	38.03 Ft.	38.03 Ft.
Front Yard	0.00 Ft.	0.00 Ft.	0.00 Ft.
Side Yard (North)	5.00 Ft.	3.20 Ft.	3.20 Ft.
Side Yard (South)	5.00 Ft.	0.00 Ft.	0.00 Ft.
Rear Yard	16.00 Ft. (1:2 height to setback ratio, 16 Ft. min.)	25.10 Ft.	25.10 Ft.
Net Floor Area	5,040 Sq. Ft. 1.50 Floor Area Ratio	2,885 Sq. Ft.	3,105 Sq. Ft.
Open Space	1,176 Sq. Ft. (35%)	1,486 Sq. Ft.	1,436 Sq. Ft.
Height	35.00 Ft.	22.50 Ft.	22.50 Ft.

IV. Noncomplying Structure:

The existing dwelling is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Side Yard (South)	5.00 Ft.	0.00 Ft.	5.00 Ft.

V. Master Plan/Zoning:

The subject property is currently zoned RM and has been so zoned since adoption of the Third Revised Zoning Map in 1951. The Old Town Small Area Plan identifies the property for residential land use.

VI. Requested Variance:

3-1106(A)(2)(a) Side yards

Zoning Ordinance section 3-1106(A)(2)(a) requires single-family dwellings to provide two side yards with a minimum size of five feet each. The applicants request a variance of 1.80 feet to construct a portion of the proposed second-story addition 3.20 feet from the north

side lot line. Section 11-107 also applies to this request because of the previously approved variance. This section reads as follows (emphasis added):

The property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, **the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.**

VII. Applicants Justification for Variance:

The applicants state that strict application of section 3-1106(A)(2)(a) “prevents the reasonable use of the property due to the unusual configuration of the north boundary line of the property where the westerly thirty (30’) feet of the property line is offset from the remainder of the property line to reflect the area of a historic alley for the benefit of 318 South Fairfax Street.”

VIII. Analysis of Variance Definition:

Per zoning ordinance section 11-1103, the Board of Zoning Appeals shall not grant a variance unless it finds that the request meets the definition of a variance per zoning ordinance section 2-201.1 as follows:

- a. The request 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 applicants request a deviation of 1.80 feet to construct a portion of the proposed second-story addition 3.20 feet from the north side lot line. The requested deviation is the minimum necessary to construct the second-story addition in line with the dwelling’s existing north elevation due to the shape of the north side property. Further, because many dwellings within the Old and Historic Alexandria District provide similarly sized or smaller side yards, the requested deviation is reasonable.

- b. Strict application of the zoning ordinance would unreasonably restrict the utilization of the property.

Strict application of the zoning ordinance would not unreasonably restrict the utilization of the property. Alternative additions would reduce the amount of open space on the lot but could be constructed in compliance with the zoning ordinance. The proposed addition could also be set in an additional 1.80 feet to comply with the required 5.00 side yard setback.

- c. The need for a variance is not shared generally by other properties.
An inspection of the surrounding area revealed that the subject property's north side lot line is uniquely shaped. Most other properties contain straight side lot lines.
- d. The variance is not contrary to the purpose of the ordinance.
The purpose of the side yard setback requirement is to protect light and air supply to adjacent properties. The proposed addition would be located above an existing one-story portion of the dwelling. There would be no increase in the dwelling's footprint within the required side yard setback. As such, the proposed addition would have minimal impacts to light and air supply to the adjacent property.
- e. 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.

IX. Analysis of Variance Standards:

Per zoning ordinance section 11-1103, the Board of Zoning Appeals shall not grant a variance unless it finds that the request meets the variance standards as follows:

- a. 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.
Strict application of the zoning ordinance would not unreasonably restrict the utilization of the property as a residential dwelling. The irregularly shaped north side lot line creates a unique circumstance that approaches a hardship. However, alternative additions could be constructed in compliance with the Zoning Ordinance as described in VII. B, above. As such, while the granting of the variance would alleviate a hardship due to a physical condition and improvements on the subject property, the Zoning Ordinance does not unreasonably restrict the utilization of the property.
- b. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicants for the variance.
The applicants acquired the property interest in good faith and did not create the hardship.
- c. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.
Because the existing two-story addition provides a 3.20-foot side yard, the proposed eight-foot portion that would not meet the required side yard setback would not cause substantial detriment to adjacent or nearby properties. The owners of property directly to the north at 318 South Fairfax Street, which

would be most affected by this proposal, have submitted a statement of support for the request.

- d. 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.

The irregularly shaped north side property line is unique enough that it would not be reasonably practicable to amend the Zoning Ordinance to eliminate the need for a variance in this case.

- e. 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 result in a non-permitted use or a rezoning.

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

Section 11-107 states that a structure permitted by a variance may not be expanded without the approval of an additional variance. A variance is the only relief available for this request.

X. Staff Conclusion:

Although the subject property contains a unique characteristic with its irregularly shaped north side lot line and granting the variance would not cause detriment to nearby properties, strict application of the zoning ordinance would not unreasonably restrict the utilization of the property. The request does not meet the definition of or all the standards for variance approval. As such, staff **recommends denial** of the request.

Staff

Sam Shelby, Urban Planner, sam.shelby@alexandriava.gov

Mary Christesen, Acting Land Use Services Division Chief, mary.christesen@alexandriava.gov

Chrishaun Smith, Acting Zoning Manager, shaun.smith@alexandriva.gov

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the special exception and/or variance is/are approved the following additional comments apply.

Historic Preservation:

- C-1 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).
- F-1 The proposed second-story addition would be minimally visible from the public right-of-way and would be located on the rear of the 1980s portion of the dwelling.

Transportation and Environmental Services:

- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 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)
- F-1 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)
- F-2 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)
- C-1 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)
- C-2 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)

- C-3 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)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-6 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)

Code Administration:

No comments received.

Recreation (City Arborist):

No comments received.

Historic Alexandria (Archaeology):

- F-1 This street face had free black households prior to the Civil War and a vinegar manufactory in the early 19th century. There is potential for buried archaeological resources, such as historic structural remains (wells, privies, wall foundations, etc.) or concentrations of artifacts to be present.
- R-1 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. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
- R-2 The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

Section of zoning ordinance from which request for variance is made:
Section 1106 (A) (2) side yard setback requirements of the RM zone regulations.

The requested side yard variance is for 1' 10" located on the second floor limited to an area 5' 8" wide and 9' 3" in height with a surface area of 55 square feet.

PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☒ Agent
Name Ashley E. and Samuel H. Chamberlain
Address 320 South Fairfax Street, Alexandria, Virginia 22314
Daytime Phone C/O 703 836-1000 Duncan W. Blair
Email Address C/O dblair@landcarroll.com
320 South Fairfax Street, Alexandria, Virginia 22314
2. Property Location
3. Assessment Map # 75.03 Block 06 Lot 31 Zone RM
4. Legal Property Owner Name Ashley E. and Samuel H. Chamberlain
Address 320 South Fairfax Street, Alexandria, Virginia, 22314

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. A. & S. Chamberlain	320 South Fairfax Street	100%
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 320 S. Fairfax Street (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. A. & S. Chamberlain	320 South Fairfax Street	100%
2.		
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. A. & S. Chamberlain	100%	
2.		
3.		

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.

AMC W BIRD 4/15/10

5. Describe request briefly:

The Applicants are requesting a variance for the strict application of the side yard setback requirements of the RM zone regulations for a area located on the second floor of a proposed addition that contains approximately fifty-five (55) square feet of new construction on the legally existing north wall of the Applicant's home. See attached drawings. The project does not qualify as a special exception because the existing house received a side variance in 1984 and is considered legal wall and not a noncomplying wall. With the exception of the Fifty-five (55) square feet of the second floor side yard variance; the project complies with the RM zone regulations.

- 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.**

The strict application of the side yard setback requirement of the RM zone regulations under the specific physical circumstance affecting the property prevents the reasonable use of the property due to the unusual configuration of the north boundary line of the property where the westerly thirty (30') feet of the property line is offset from the remainder of the property line to reflect the area of a historic alley for the benefit of 318 South Fairfax Street. In 1984 the BZA granted a side yard set back variance for the Applicants home based on the configuration of the property line. The granting of the variance will permit the construction of a reasonable addition with a consistent north wall.

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

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. Property lines in the Old and Historic District are generally perpendicular to the public rights-of way and do not have the unusual shape as does the North property line of 320 S. Fairfax Street.

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. Property lines in the Old and Historic District are generally perpendicular to the public rights-of-way and do not have the unusual shape as does the North property line of 320 S. Fairfax Street.

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

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

Yes. The unusual shape of the lot appears to be its historic configuration of the North property line of 318 South Fairfax Street.

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

No. While aware that the front portion of the property line jogged into the property, the applicants were unaware that a variance was required to extend the first floor wall to the second floor in the 55 square foot area impacting the set back measurement due to the unusual shape of the lot.

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

The unusual configuration of the property line appears to reflect the historic configuration of the property to accommodate an alley from South Fairfax Street for the benefit of 318 South Fairfax Street.

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

No. The unusual lot configuration appears to reflect the historic configuration of the property which contained the offset to accommodate an alley for the benefit of 318 South Fairfax Street.

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.

The granting of the variance to permit the construction of a the portion of the second floor exterior building wall of the proposed addition in the Fifty-five (55) square foot area impacted by the zoning requirement for the area to be set back would not be detrimental to the adjacent property owner at 318 South Fairfax Street. If the variance were not granted, the building could be constructed with an architecturally awkward notch in the wall that serves no public purpose and does not create a benefit for the adjacent property owner.

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. The owners of 318 South Fairfax Street are supportive of the granting of the variance and have in fact agreed to waive a private restriction on 320 South Fairfax Street that prohibited the construction of a second story addition.

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

No.

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. The applicants and their talented architect Patrick Camus looked at ways to create a notch in the north wall to set back the Fifty-five square foot area impacted by the set back requirement. The result was a awkward design that served no purpose or mitigated any impact on the adjoining property owners. See attached

drawing Sheet A7 of the north wall with the notch.

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

See attached drawings showing the usual lot configuration, the de minimus area impacted by the set back requirement and the awkward architectural notch in the north wall if the requested variance is not granted. It should be taken into consideration that in 1984 the then sitting BZA found a hardship impacting the property created a hardship approaching confiscation.

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: Duncan W. Blair, Attorney

Date: 4/19/2019

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.

**B**

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

A. Property Information

A1. Street Address 320 SOUTH FAIRFAX Zone RM
 A2. 3360 x 1.5 = 5040
 Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	616	Basement**	616
First Floor	1634	Stairways**	120
Second Floor	1389	Mechanical**	18
Third Floor			
		Total Exclusions	754
Total Gross *	3639		

B1. Existing Gross Floor Area *
3639 Sq. Ft.
 B2. Allowable Floor Exclusions**
754 Sq. Ft.
 B3. Existing Floor Area minus Exclusions
2885 Sq. Ft.
 (subtract B2 from B1)

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

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor	220	Mechanical**	
Third Floor		Other**	
Porches/ Other		Total Exclusions	0
Total Gross *	220		

C1. Proposed Gross Floor Area *
220 Sq. Ft.
 C2. Allowable Floor Exclusions**
0 Sq. Ft.
 C3. Proposed Floor Area minus
 Exclusions 220 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 3105 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 5040 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(B)) 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.

E. Open Space Calculations

Existing Open Space	1486	44%
Required Open Space	1176	35%
Proposed Open Space	1436	42%

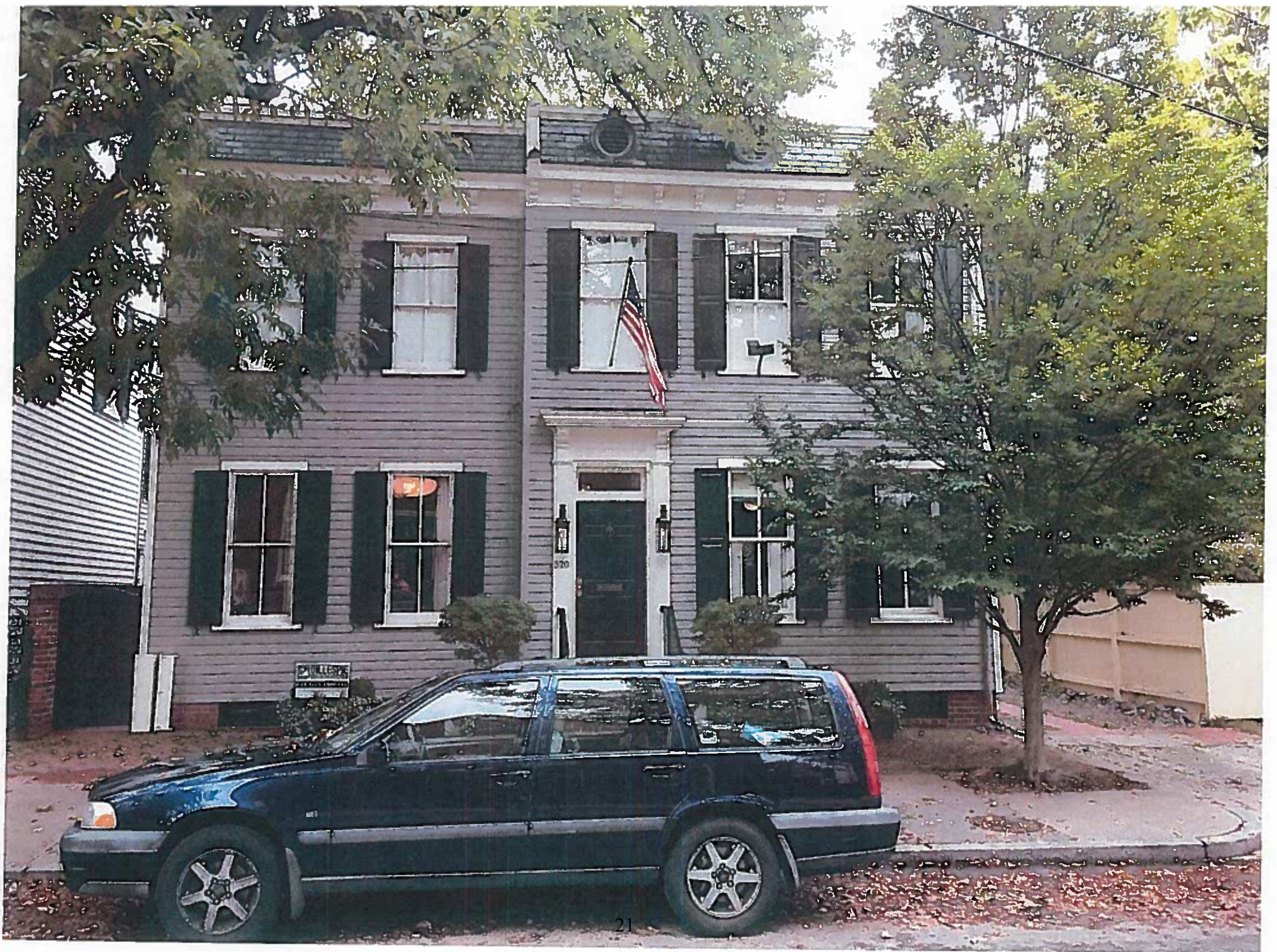
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: _____

Date: _____

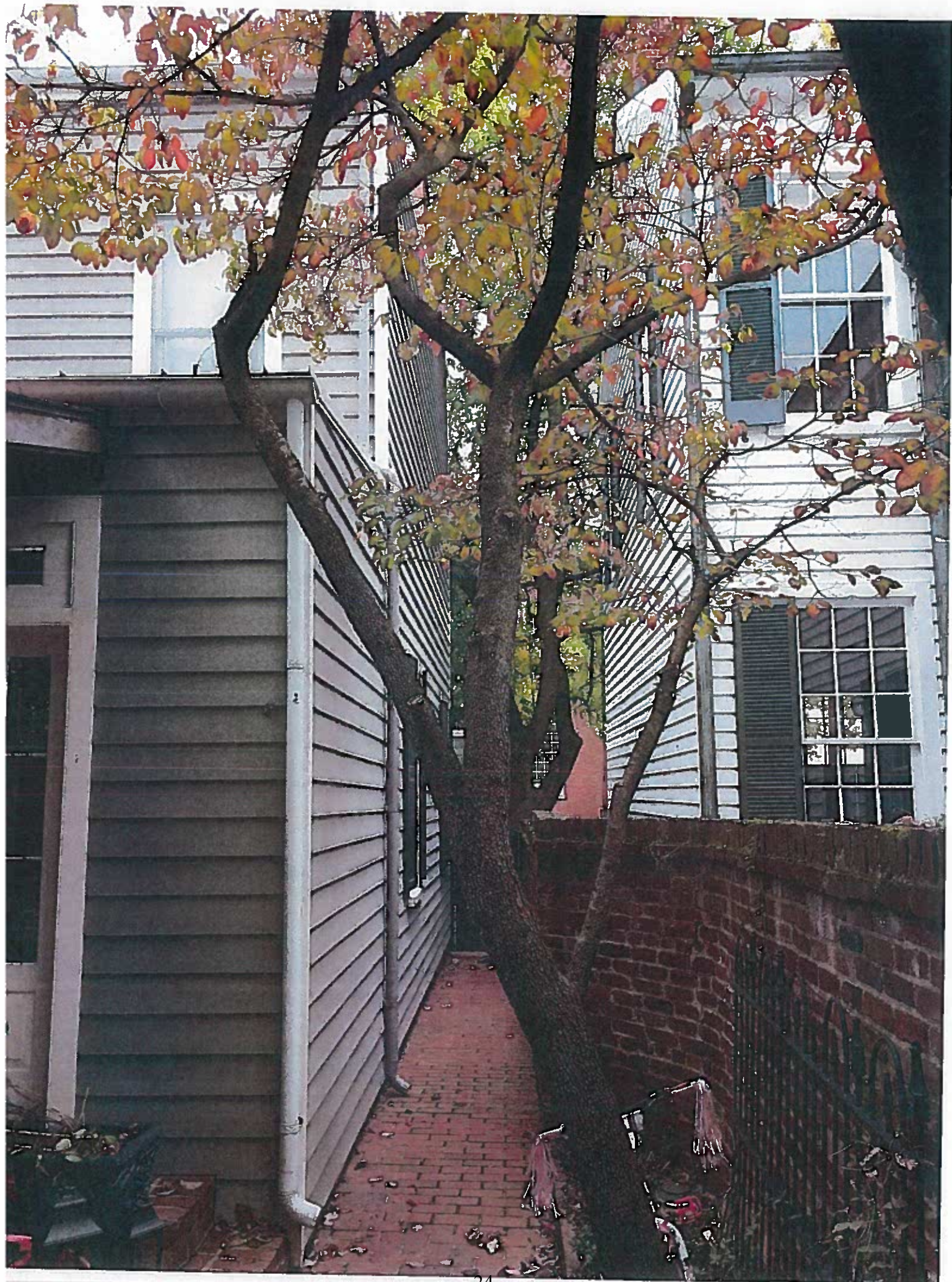
15 APR 18







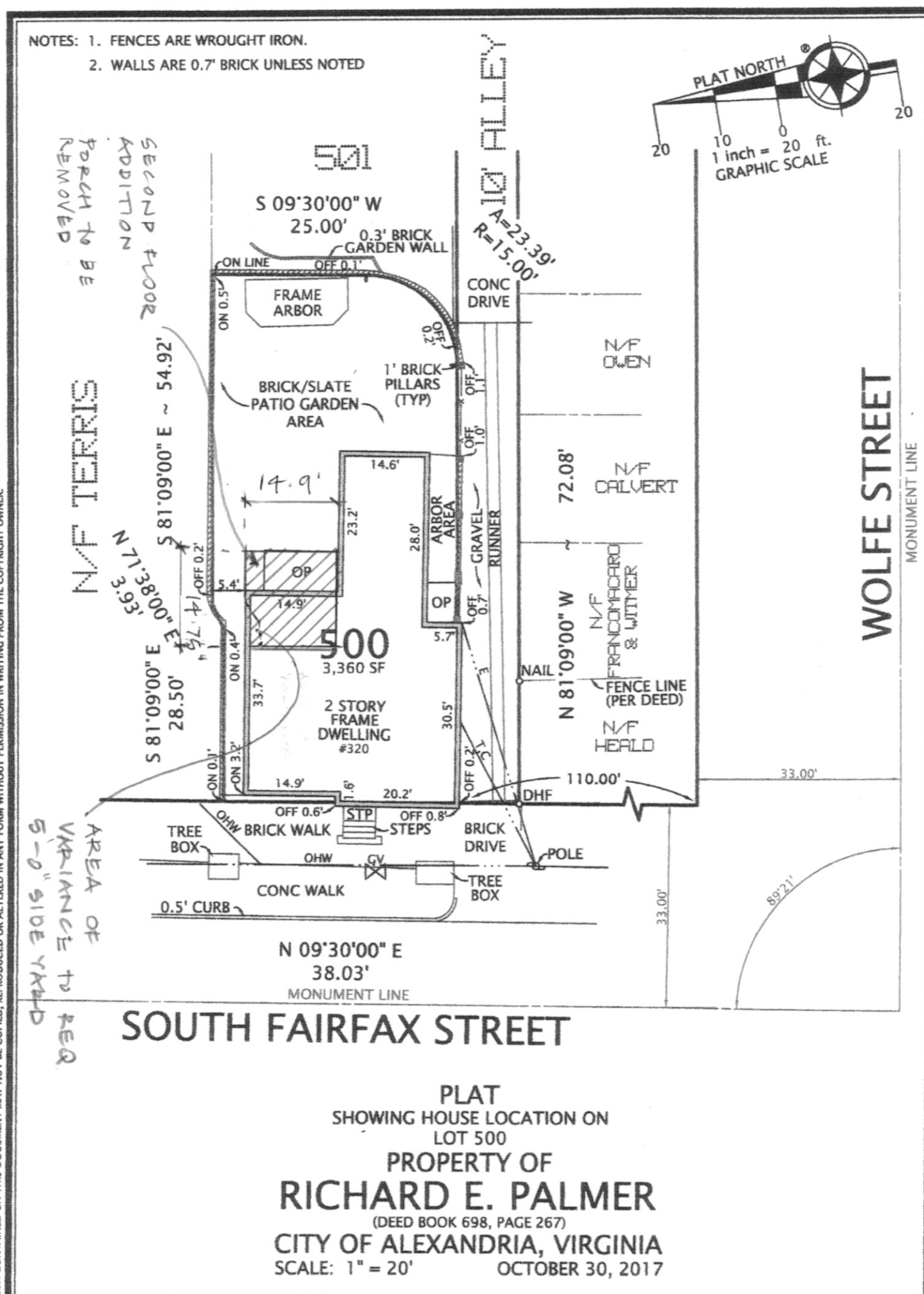






CHAMBERLAIN RESIDENCE
320 South Fairfax Street Alexandria Virginia

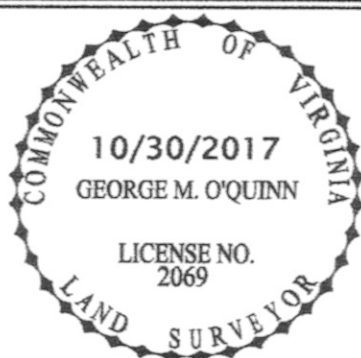
DATE	12 APR 18
SCALE	1"=20'-0"
SHEET	CS 1 -V



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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:

ASHLEY CHAMBERLAIN



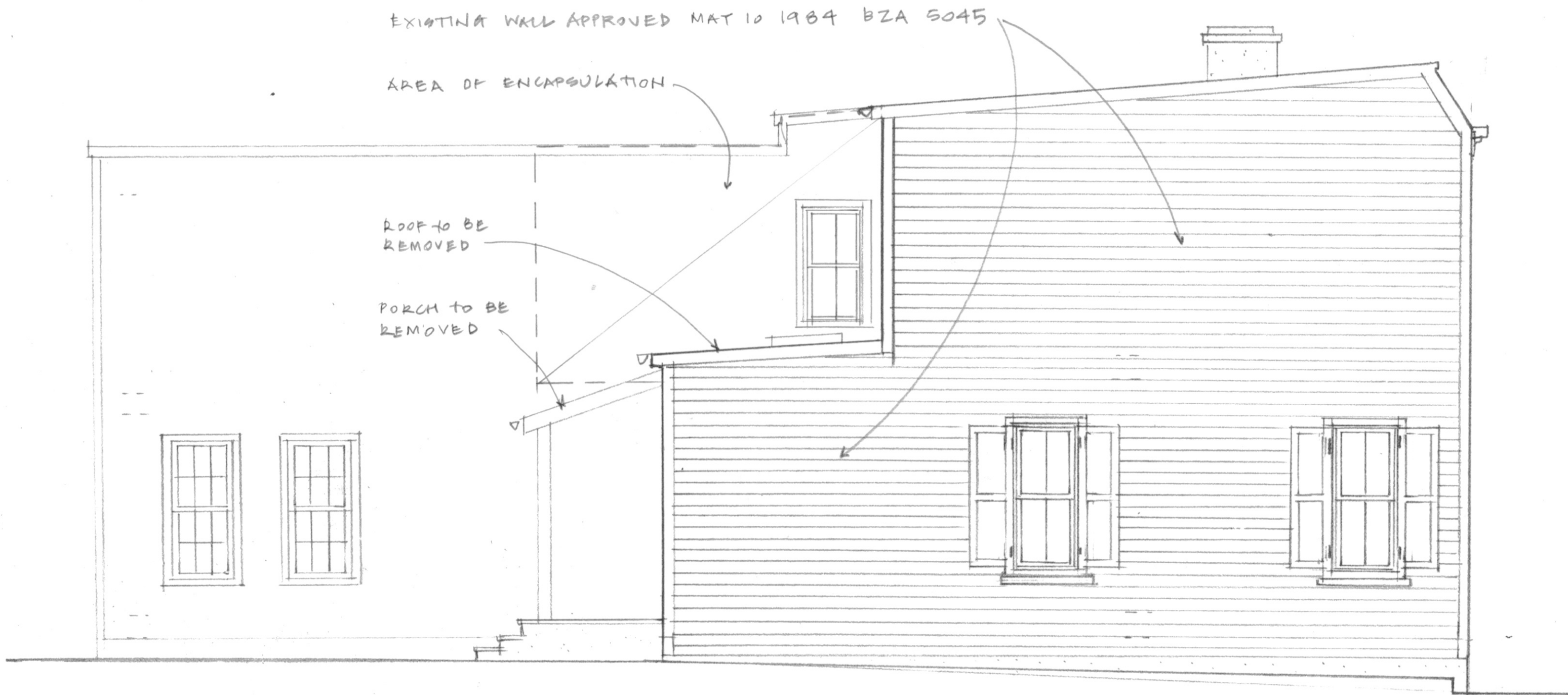
DOMINION

Surveyors
Inc.®

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

CASE NAME: CHAMBERLAIN

#171026009



① SIDE ELEVATION - EXIST & DEMOLITION

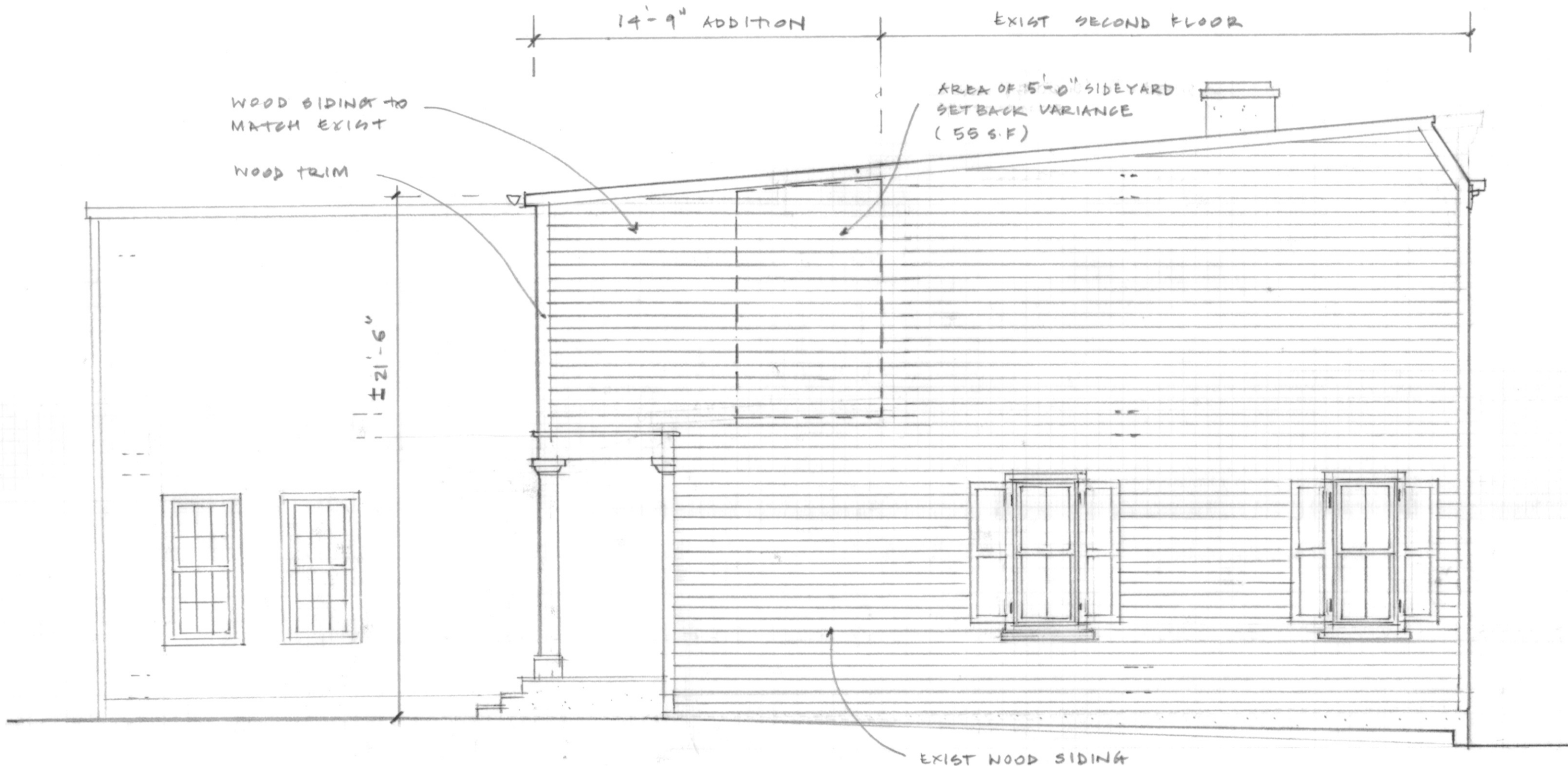
C²

STUDIO CAMUS LLC
225 North Pitt Street Alexandria Virginia 22314
studiocamus@comcast.net
Lynnette 703 989 3777 Patrick 703 626 1984

CHAMBERLAIN RESIDENCE
320 South Fairfax Street Alexandria Virginia

26

DATE 18 APR 13	SHEET A1
SCALE 1/4" = 1'-0"	



1 SIDE ELEVATION - PROPOSED



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 Lynnette 703 989 3777 Patrick 703 626 1984

CHAMBERLAIN RESIDENCE
 320 South Fairfax Street Alexandria Virginia

27

DATE
 18 APR 18
 SCALE
 1/4" = 1'-0"

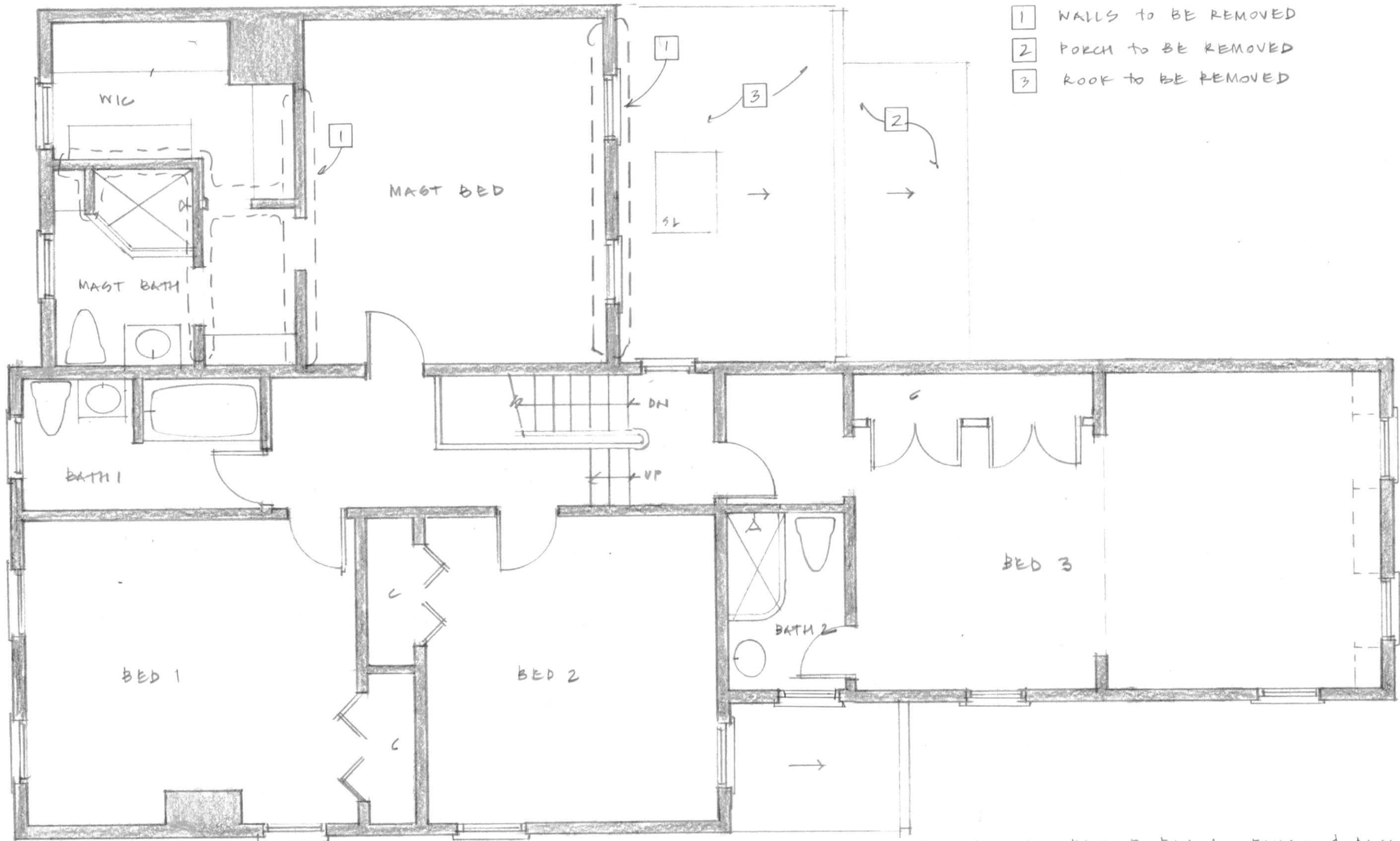
SHEET
 A2



① REAR ELEVATION - EXISTING & DEMOLITION



① REAR ELEVATION - PROPOSED



NOTES

- 1 WALLS TO BE REMOVED
- 2 PORCH TO BE REMOVED
- 3 ROOF TO BE REMOVED

1 SECOND FLOOR PLAN - EXIST & DEMOLITION

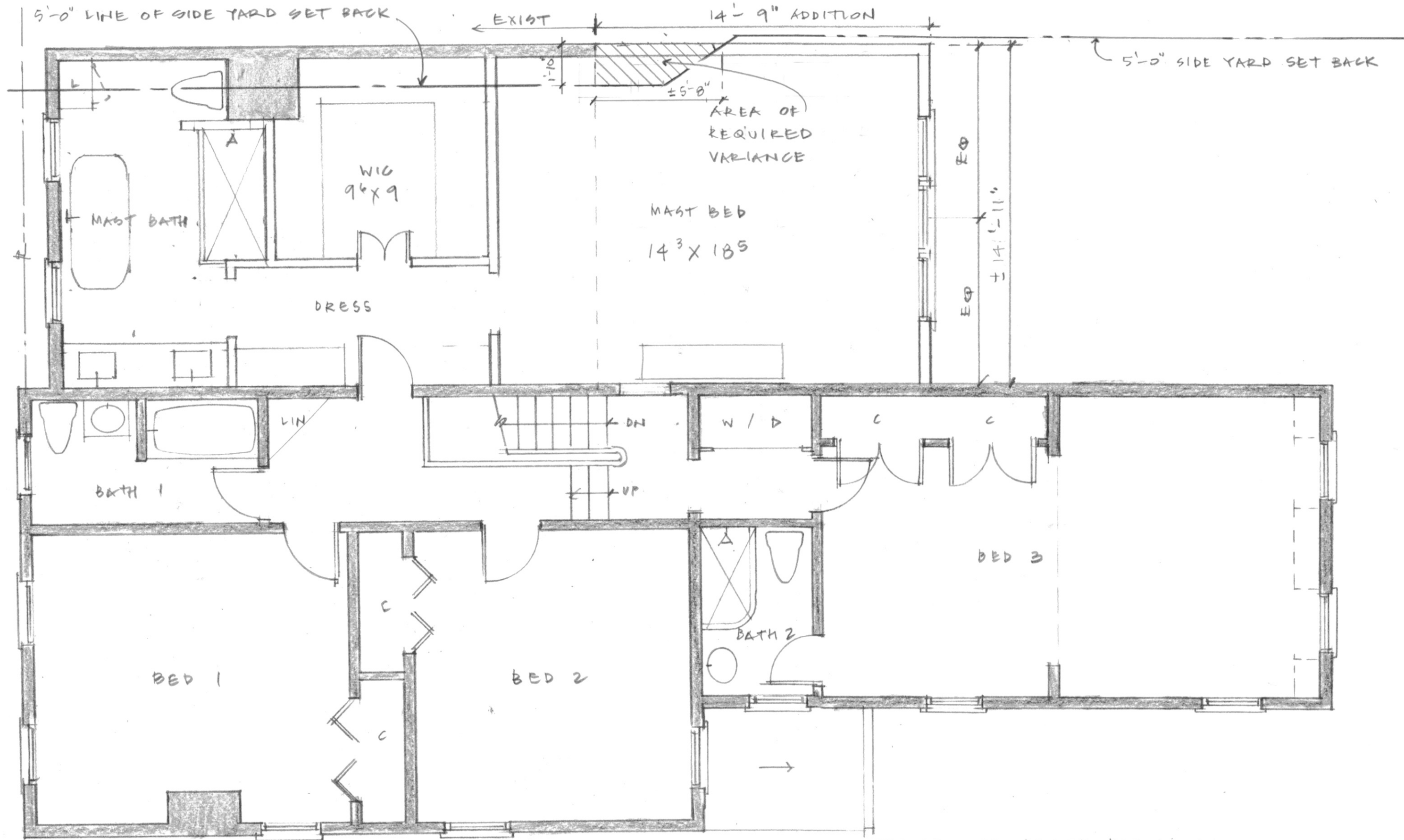


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CHAMBERLAIN RESIDENCE
320 South Fairfax Street Alexandria Virginia

DATE
18 APR - 18
SCALE
1/4" = 1'-0"

SHEET
A5



1 SECOND FLOOR PLAN - PROPOSED
POCHE DENOTES EXIST WALLS



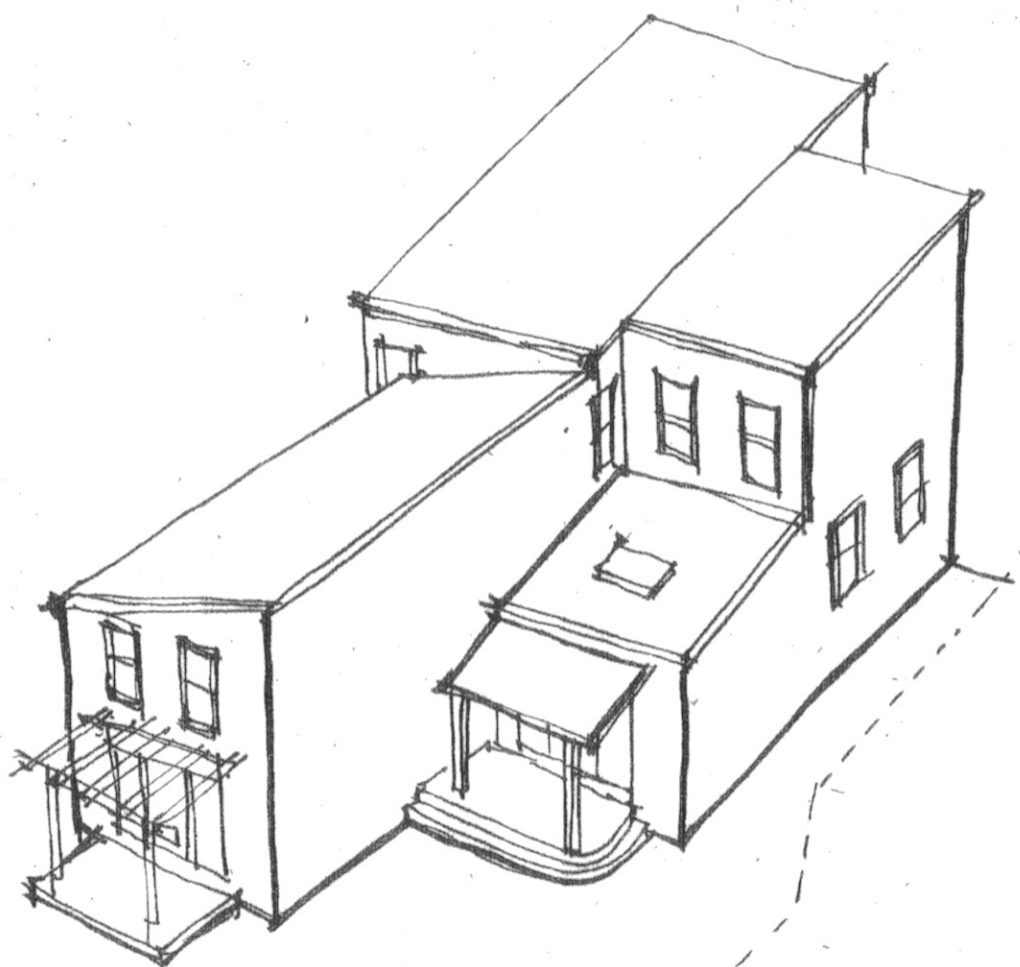
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CHAMBERLAIN RESIDENCE
320 South Fairfax Street Alexandria Virginia

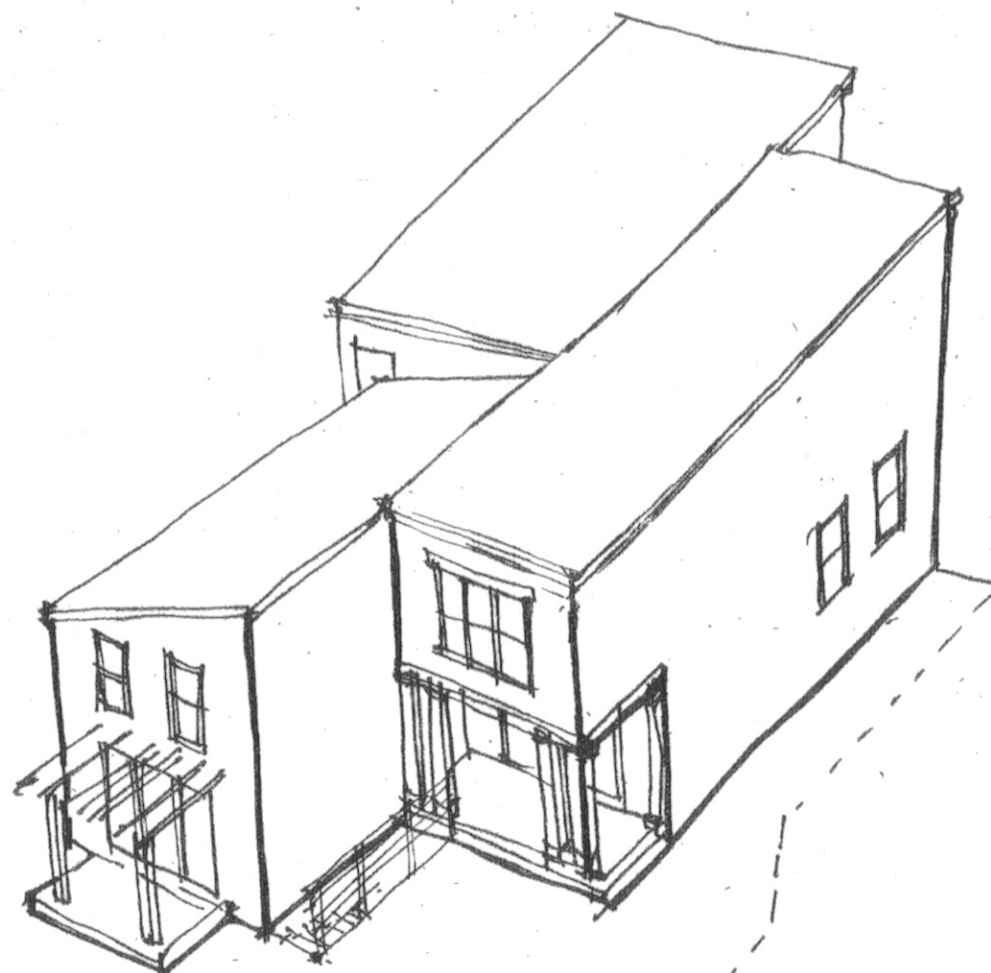
31

DATE
18 APR 18
SCALE
1/4" = 1'-0"

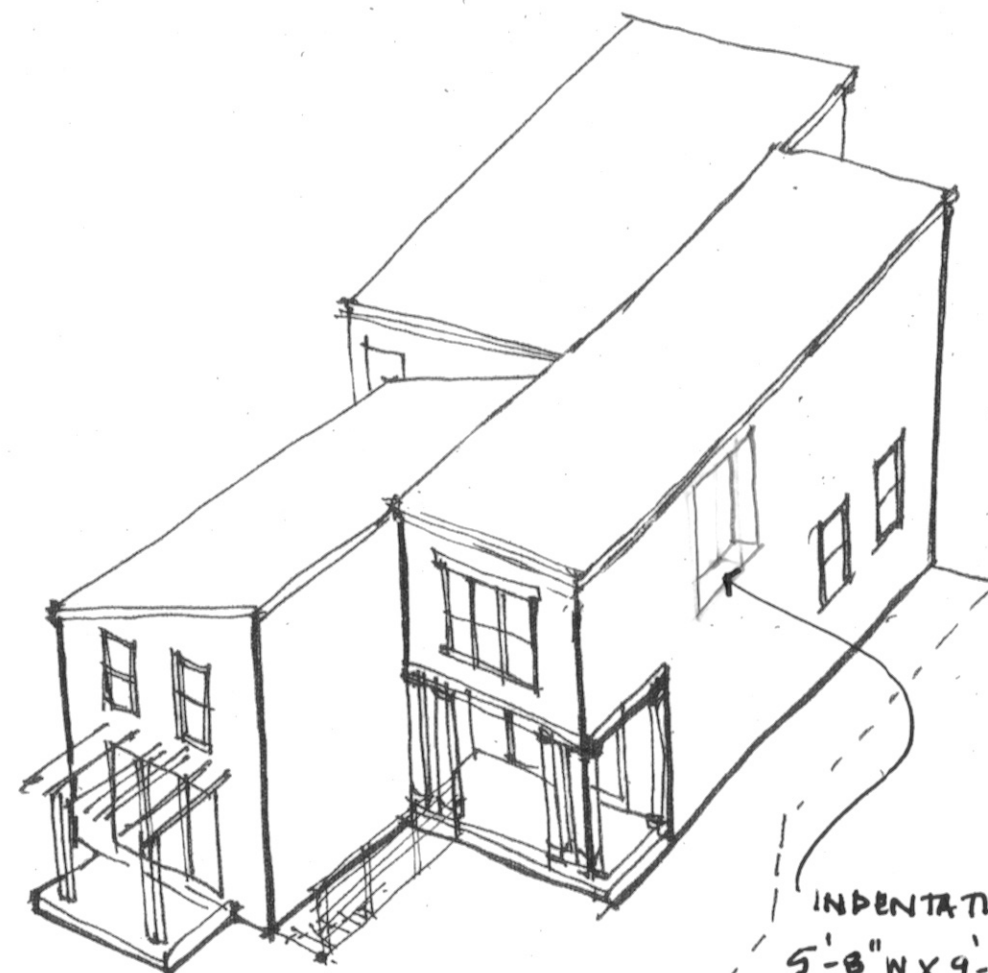
SHEET
A6



EXISTING AXON



PROPOSED AXON W/ VARIANCE



PROPOSED AXON NO VARIANCE

INDENTATION
5'-8" W X 9'-3" H
X 1'-10" DEEP



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320 South Fairfax Street Alexandria Virginia

32

DATE
19 APR 18
SCALE
N.T.S.

SHEET

A7



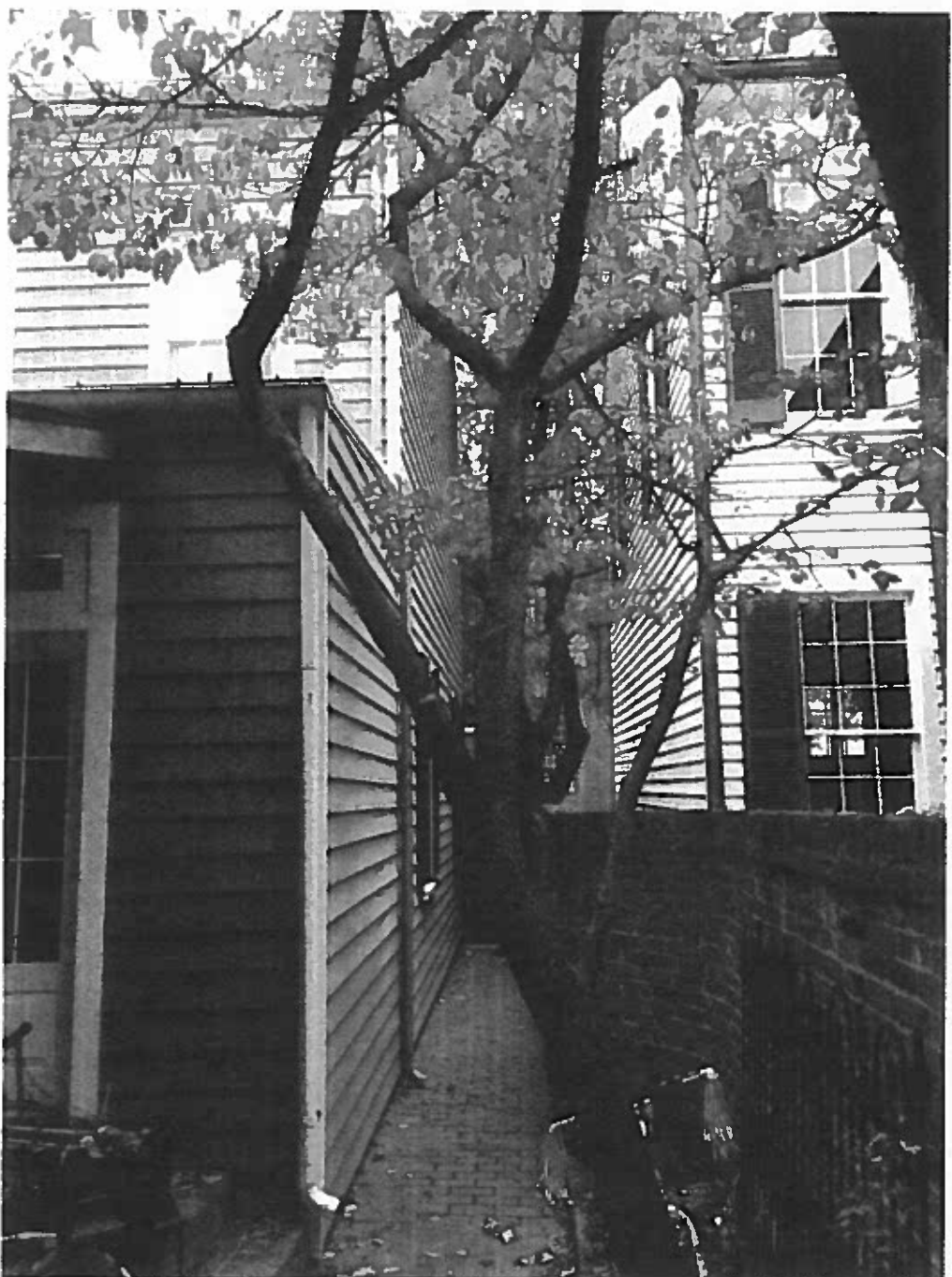
Rear Elevation



Front Elevation



North Elevation, Side Wall from Street



North Elevation, Side Wall from Rear

AGREEMENT

THIS AGREEMENT is made as of this 21st day of May, 2018, by and between OLAV B. KOLLEVOLL, JR., and JUDITH MYERS KOLLEVOLL (collectively, "Kollevoll"); and SAMUEL H. CHAMBERLAIN and ASHLEY E. CHAMBERLAIN (collectively, "Chamberlain").

RECITALS

- R-1 Kollevoll is currently the fee simple owner of certain real property located in the City of Alexandria, Virginia, known as 318 South Fairfax Street, Alexandria, Virginia (the "Kollevoll Property"), having acquired said property by deed recorded as Instrument No. 170016604 among the land records of the City of Alexandria, Virginia.
- R-2 Chamberlain is currently the fee simple owner of certain real property located in the City of Alexandria, Virginia, on South Fairfax Street, Alexandria, Virginia contiguous to the Kollevoll Property (the "Chamberlain Property"), having acquired said property by deed recorded as Instrument No. 110008568 among the land records of the City of Alexandria, Virginia.
- R-3 The Chamberlain Property is encumbered by certain restrictive covenants in favor of Kollevoll, as more particularly described in a Consent Order recorded in Deed Book 1142 at Page 344 among the land records of the City of Alexandria, Virginia (the "Covenant").
- R-4 The Covenant, *inter alia*, restricts certain additions on the Chamberlain Property.
- R-5 Chamberlain desires to construct on the Chamberlain Property an addition to the existing structure located on the Chamberlain Property (the "Addition") which Addition is more particularly described in those plans consisting of four (4) sheets dated April 17, 2018, entitled Chamberlain Residence prepared by Studio Camus attached hereto and incorporated by reference (the "Plans").
- R-6 Kollevoll has reviewed the Plans, and has agreed to consent to the construction of the Addition provided such Addition is constructed in accordance with the Plans, and to support Chamberlain's application for a BZA Variance and BAR Certificate of Appropriateness.

Prepared by:
Thomas J. Colucci, Esq. VA Bar #12596
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Blvd., Suite 1300
Arlington, VA 22201

Tax ID: 075-03-06-32
075-03-06-31

NOW THEREFORE, for and in consideration of the mutual promise of the parties, the parties intend to be legally bound agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. Kollevoll joins herein to evidence their consent to the construction of the Addition provided such Addition is constructed in accordance with the Plans.
3. The Agreement shall be binding upon Kollevoll and Chamberlain and successor in title to the Kollevoll Property and the Chamberlain Property.
4. Except as specifically modified by this Agreement with respect to the Addition evidenced by the Plans, the provisions of the Covenant shall remain in full force and effect.
5. This Agreement shall be governed and interpreted in accordance with the laws of the Commonwealth of Virginia.

[SIGNATURE PAGES FOLLOW]

Prepared by:
Thomas J. Colucci, Esq. VA Bar #12596
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Blvd., Suite 1300
Arlington, VA 22201

Tax ID: 075-03-06-32
075-03-06-31

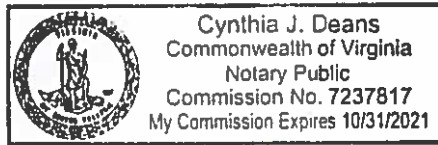
WITNESS the following signatures and seals.

KOLLEVOLL


OLAV B. KOLLEVOLL, JR.

STATE OF Virginia :
CITY/COUNTY OF Fairfax :

The foregoing instrument was acknowledged before me this 21st day of May, 2018 by Olav B. Kollevoll, Jr.



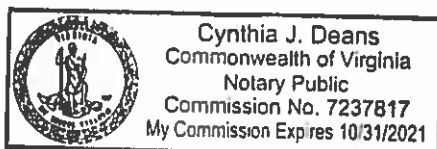

Notary Public

My commission expires: 10/31/21


JUDITH MYERS KOLLEVOLL

STATE OF Virginia :
CITY/COUNTY OF Fairfax :

The foregoing instrument was acknowledged before me this 21st day of May, 2018 by Judith Myers Kollevoll.




Notary Public

My commission expires: 10/31/21

Prepared by:
Thomas J. Colucci, Esq. VA Bar #12596
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Blvd., Suite 1300
Arlington, VA 22201

Tax ID: 075-03-06-32
075-03-06-31

CHAMBERLAIN



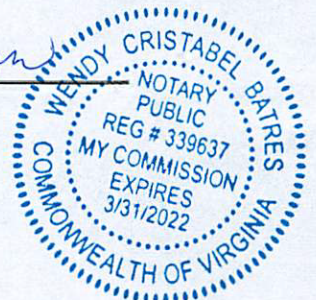
SAMUEL H. CHAMBERLAIN

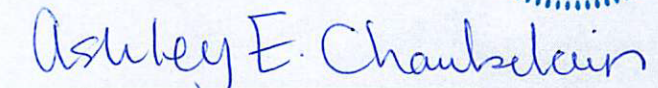
Commonwealth
STATE OF Virginia :
CITY/COUNTY OF Fairfax :

The foregoing instrument was acknowledged before me this 29th day of May, 2018 by Samuel H. Chamberlain.


Notary Public

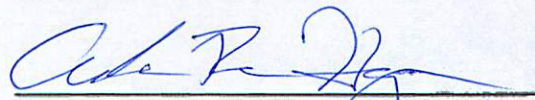
My commission expires: March 31, 2022



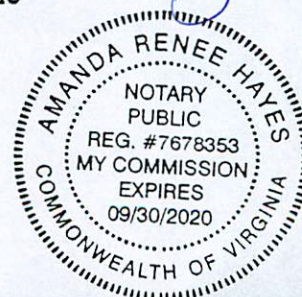

ASHLEY E. CHAMBERLAIN

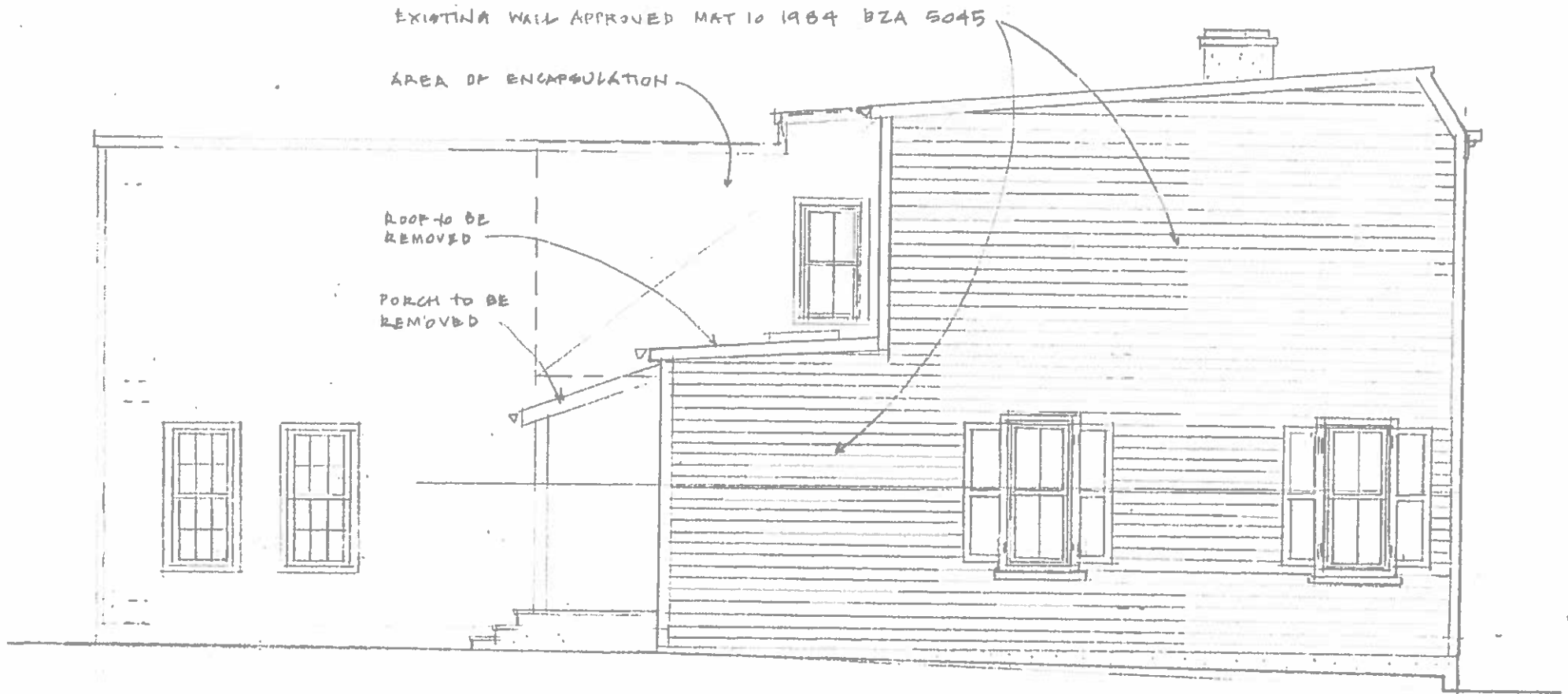
Commonwealth
STATE OF Virginia :
CITY/COUNTY OF Alexandria

The foregoing instrument was acknowledged before me this 30th day of May, 2018 by Ashley E. Chamberlain.


Notary Public

My commission expires: 9/30/2020





① SIDE ELEVATION - EXIST & DEMOLITION

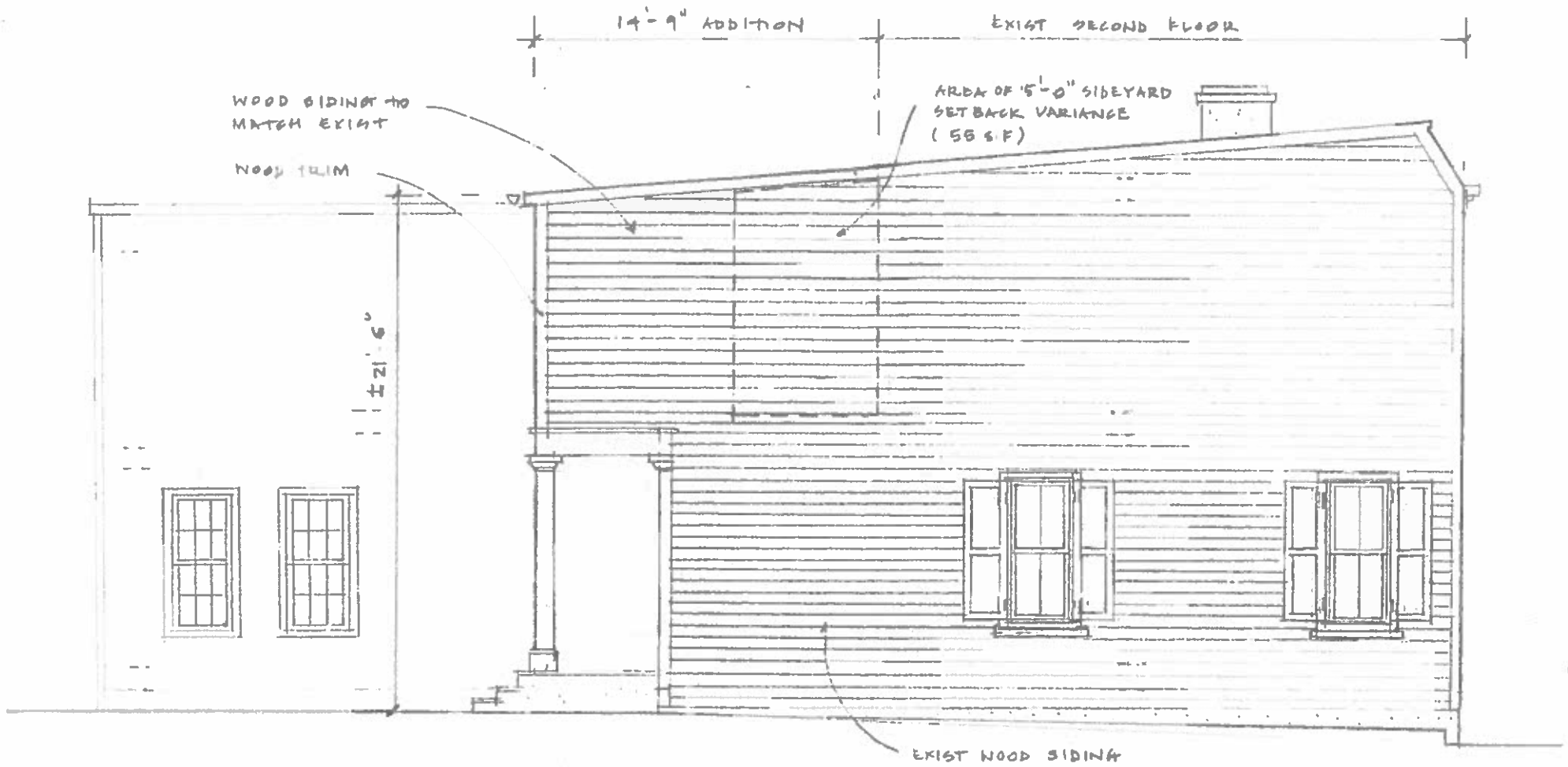
C²

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 studiocamus@comcast.net
 Lynnette 703 989 3777 Patrick 703 626 1984

CHAMBERLAIN RESIDENCE
 320 South Fairfax Street Alexandria Virginia

DATE
 17 APR 18
 SCALE
 1/4" = 1'-0"

SHEET
 AI



① SIDE ELEVATION - PROPOSED

C²

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225 North Pitt Street Alexandria Virginia 22314
studiocamus@comcast.net
Lynnette 703 989 3777 Patrick 703 626 1984

CHAMBERLAIN RESIDENCE
320 South Fairfax Street Alexandria Virginia

DATE
17 APR 10
SCALE
1/4" = 1'-0"

SHEET
A2



① REAR ELEVATION - EXISTING & DEMOLITION

C²

STUDIO CAMUS LLC
225 North Pitt Street Alexandria Virginia 22314
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Lynnette 703 989 3777 Patrick 703 626 1984

CHAMBERLAIN RESIDENCE
320 South Fairfax Street Alexandria Virginia

DATE
17 APR 18
SCALE
1/4" = 1'-0"

SHEET
A3



① REAR ELEVATION - PROPOSED

C²

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 225 North Pitt Street Alexandria Virginia 22314
 studio@camus.comcast.net
 Lynette 703 989 3777 Patrick 703 626 1984

CHAMBERLAIN RESIDENCE
 320 South Fairfax Street Alexandria Virginia

DATE
 17 APR 18
 SCALE
 1/4" = 1'-0"

SHEET
 A4

May 10, 2018

Mr. Laurence Altenburg, Chair
Members of the Board of Zoning Appeals
City Hall
Alexandria, Virginia 22314

Re: 320 South Fairfax Street

Dear Chair Altenburg and Members of the Board:

We are writing in support of our neighbors Ashley and Samuel Chamberlain's request for a minor variance from the side yard set back regulations to permit the construction of a second-floor addition to their home.

As you may be aware the Chamberlain's property is encumbered by a restriction for the benefit of the owners of our property that prevents the construction of a second story addition. We have waived the right to enforce the restriction thus allowing the proposed addition. We did so because we saw no benefit to us as the owners of the property most, and probably the only property, impacted by the construction. We do not believe that there is any detrimental impact to our property if the variance is granted. It seems unreasonable to require that the small area of the north wall would be required to set back.

We encourage the BZA to grant the variance.

Regards.

Ole and Judy Kollevoll
(318 S Fairfax Street)



June 4, 2018

Mr. Laurence Altenburg, Chair
Members of the Board of Zoning Appeals
City Hall
Alexandria, Virginia 22314

Re: 320 South Fairfax Street

Dear Chair Altenburg and Members of the Board:

We are writing in support of our neighbors Ashley and Samuel Chamberlain's request for a minor variance from the side yard set back regulations to permit the construction of a second-floor addition to their home.

Upon reviewing the design and details of the proposed addition with the Chamberlains, we feel that the addition is unobtrusive and visually appealing. The variance that the Chamberlain's are requesting will allow the addition to conform to the dimensions of the existing first floor. We feel that the variance requested is reasonable and we support the approval.

As neighbors, we do not believe that there is any detrimental impact to our property if the variance is granted. It seems unreasonable, and the end product less attractive, to require that the small area of the north wall to be set back.

We encourage the BZA to grant the variance.

Regards,


Skipp Calvert

(217 Wolfe Street)


Mary Calvert