

D. Keith Clouser
1017 Oronoco Street
Alexandria, VA 22314
(302) 299-3110

June 10, 2019

To: Board of Zoning Appeals
Re: Comments to BZA 2019-0001

Dear Board Members,

I write to provide comment on the zoning variance application, BZA 2019-0001, for the property located at 509 N. Henry Street. My wife and I are the owners of 1017 Oronoco Street in Alexandria, a property that is adjacent to the alley that runs alongside 509 N. Henry Street. We have reviewed the proposal by the applicants, and have significant concerns regarding the proposal and its likely effect on access to the alley and to our property. In addition, we have concerns about the proposed design and its inconsistency with the existing properties on the block.

The alley adjacent to 509 N. Henry Street is a critical pathway for all of the properties along the north side of Oronoco Street between Patrick Street and Henry Street, including our property. Our lot includes two parking spaces on the back of the property (one of which is currently occupied by a small shed) that exit into the alley. We purchased the property in May of 2018 with the expectation of access to our parking spaces via the rear alley.

The applicants' proposal necessarily will interfere with the use of the alley, and our access to our parking spaces, for several reasons. First, the applicants' contention that their lot is a 22-foot wide, rectangular lot would reduce the alley to less than seven-feet wide given existing structures, fences, and trees on the opposite side of the alley. Second, the applicants' proposal necessarily would interfere with the city's ability to effectively maneuver trash and recycling trucks through the alley. Third, the proposal includes angled parking spaces that project directly across the alley from our property that are insufficient to accommodate larger SUVs without projecting into the existing alley. Fourth, although applicants' purport to have modified their proposal based on feedback, absent deed restrictions and easements those modifications cannot be relied upon to limit future building in a manner that would interfere with access to the alley and rear-yard parking spaces. In addition, the proposed property is designed inconsistently with the properties on the block that includes 509 N. Henry Street.

The Applicants' Proposal Reduces The Alley To Less Than 10 Feet.

The applicants contend that their lot is a rectangle shape with a 22-foot wide frontage. However, as reflected in their application, 22-feet extends well into the alley (approximately 7-feet at the opening of the alley on N. Henry Street). Given the existing structures, fences, and trees on the opposite side of the alley, the applicants' proposal necessarily would preclude use of the alley.

TAX ASSESSMENT MAP NUMBER: 064.01-04-28
FLAT SUBJECT TO RESTRICTIONS OF RECORD
INST. #020007672

SITE AREA - 2,805 SF
OPEN SPACE REQUIRED - 1,042 SF
OPEN SPACE PROVIDED - 1,099 SF

REAR YARD - 682 SF
PARKING IN REAR YARD = 156 SF (23.2%)

10' ALLEY

29.5'

30'

28.5'

N/F WELSCH
N/F LORI G. WELSCH TR
511 N HENRY ST.
ALEXANDRIA, VA 22314
TIN: 2004-1-4-29
ZONE: CSL
USE: RESIDENTIAL
INST. #120027851

PROPOSED IMPROVEMENTS
TIN: 064.01-04-28
509 N HENRY ST
(509 N HENRY ST)
CITY OF ALEXANDRIA, VIRGINIA

DESIGN: RAW
DRAWN: RAW
SCALE: 1"=10'
DATE: 5/13/2019
FILE: 19-50
SHEET 1 OF 1

In their application, applicants appear to claim that tree is squarely within the alley. Not only is that inconsistent with the pictures of the alley from 2003 and 2006 that are included in the application, it is of no moment because the tree exists. The applicants' proposal necessarily would require cutting down the tree—a tree that provides privacy and shade to the surrounding properties.

In addition, the existing fence on the edge of our property is 30 feet from the fence along the edge of the property located at 511 N. Henry Street. Again, if applicants' proposed lot extends 22 feet wide, that leaves only 8 feet for the alley adjacent to their property. That fence is visible in the pictures of the alley as of 2003, as reflected in the application (*see* Application at p.23).



Alley in 2003 (from SUP application)

The distance between the proposed structure and the existing tree and fence is between 6 feet and 8 feet, less than the claimed 10-foot alley and far less than necessary to operate a vehicle in the alley. As such, the proposed building necessarily will interfere with the use of the alley to access our property.

The Narrow Alley Proposed By Applicant Would Interfere With City Services

The alley currently is 12 feet wide at the point of the existing tree, and 11.5 feet wide from the existing fence. Even if the alley was reduced from its current size to 10 feet wide that would not provide applicants the 22-foot-wide property they are claiming. In fact, that would provide them with an 18.5 foot-wide property, substantially less than their proposal calls for. Moreover, as is apparent from the picture of the alley as of 2018 (on page 23 of the application), users of the alley have had difficulty navigating the alley as it exists today, let alone if it were narrowed to 10 feet (not to mention the 6.5-foot-alley that is reflected in the proposal).

The average trash truck is approximately 8.5 feet wide. The existing alley allows the trash and recycling trucks to move through the alley and allows the workers to collect trash bins from along the alley. Narrowing the alley likely will interfere with the ability of the trash trucks to maneuver in and out of the alley, as well as to pick up the bins while in the alley. Presently, the trash truck route enters the alley from N. Henry Street. Given the narrowness of the entrance on N. Patrick Street, it is unlikely that the trash trucks could enter the alley from that direction. If the alley were to be narrowed on both sides, the ability of trash trucks to enter would be significantly limited. It is for the benefit of all of those who live or walk on Oronoco Street that trash collection is *behind* the houses, rather than in front of the houses along the sidewalk. By limiting the size of the alley and potentially preventing trash service behind the properties on Oronoco Street between N. Henry Street and N. Patrick Street, the applicants' proposal would potentially force residents to leave trash bins along Oronoco Street.

The Proposed Parking Spaces Do Not Leave Sufficient Room For Maneuvering

The applicants' proposal includes two angled parking spaces at the rear of their property, between the proposed house and the proposed rear yard open space. Those parking spaces, however, do not incorporate sufficient space to maneuver larger vehicles, such as SUVs, without creating potential hazards with existing structures.

Even assuming a 10 foot wide alley, the property at 509 N. Henry is only 19.5 feet wide. Alexandria City regulations require parking spaces to be no less than 18.5 feet long and 9 feet wide. Angling the parking spaces do not make them shorter; in fact, it increases the necessary property width up to 20.6 feet. Even assuming that the front corner of the parking spaces touched the fence along the rear yard of 511 N. Henry St., the proposed parking spaces would project more than a foot into the narrowed 10-foot alley (or two feet into the alley as it exists today). This is apparent in their proposal—their design as reflect on the Tax Assessment Map reflects the corner of the proposed parking spaces projecting well-into the existing alley (*see* Application at p.9).

This is particularly concerning because our property is directly across the alley from the proposed parking spaces. We rely on our ability to turn in and out of our parking spaces, located along the alley. Having vehicles parked even slightly into the alley would severely inhibit our ability to do so.

Absent Deed Restrictions, Applicants' Proposed Modifications Cannot Be Relied Upon

Applicants have included certain "Modifications based on Feedback" into their proposal. However, not only are those modifications insufficient to cure the primary issue (that their property is not, given existing structures, trees, and fences, 22 feet wide), the proposed modifications cannot be relied on absent deed restrictions and/or easements granted to the neighboring properties.

For example, one proposed modification is that the "[s]ide yard adjacent to alley to remain open, increasing access and turning radii for neighbors[.]" (Application, p. 26). Another modification is to "[r]eserve[] rear corner of lot to improve turning radius in the alley[.]" (Application, p. 26).

Neither of these proposals are mandatory absent some legally-enforceable restriction, and therefore neither can be relied upon in connection with determining whether and how the proposed property will, in fact, interfere with the use of the alley. For purposes of the determination, it must be assumed that a fence will be built along the outermost edge of the property. It is apparent that, if such a fence were to exist, the alley would be effectively unusable.

The Aesthetics of the Property Do Not Align With The Block

Although use of the alley is our most significant concern, we also have concerns that the appearance of the property, as proposed, is inconsistent with the block on which it would be built. This block, bounded by Pendleton Street, N. Henry Street, Oronoco Street, and N. Patrick Street, is across from one of Old Town's historic districts. The houses along Oronoco and N. Henry Street all maintain a similar feel and appearance, consistent with those houses across Oronoco Street that sit in the historic Parker Gray district. Rather than proposing a house consistent with the properties on the block on which it would be built, applicants compare their property to a set of newly-built townhouses that are not adjacent to the historic district (*see* Application, p. 29). While those townhouses have a certain aesthetic, it is not consistent with the properties located on the block that includes 509 N. Henry Street.

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The proposal to build a single-family home on the property located at 509 N. Henry Street raises significant concerns for my wife and I, as owners of the property located at 1017 Oronoco Street, which is adjacent to the alley along 509 N. Henry Street. We are concerned that the proposal does not accurately reflect the existing structures, fences, and trees, and does not account for those things and the negative impact a single-family home on 509 N. Henry Street would have on the use of the adjacent alley. The use of the alley behind our property is critical, both for our own off-street parking as well as the city-provided trash and recycling services. The alley gets heavy use from various vehicles, and the applicants' proposal would interfere with that use.

Therefore, we respectfully request the Board of Zoning Appeals reject the application numbered BZA2019-0001, and deny the requested side-yard setback and lot size variances. As it exists today, the lot simply is not big enough to accommodate a single-family home without significantly impairing the use and enjoyment of the surrounding properties.

Respectfully submitted,

D. Keith Clouser