

City of Alexandria, Virginia

MEMORANDUM

DATE: SEPTEMBER 5, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK JINKS, CITY MANAGER

SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL
OF SUBDIVISION #2019-0003

I. INTRODUCTION

This memorandum provides guidance for the City Council's September 14 review of the appeal of the Planning Commission's approval of Subdivision (SUB) #2019-0003 at 2911 and 2915 Holly Street. On June 25, 2019, the Planning Commission approved, by a vote of 6-1, Subdivision (SUB) #2019-0003 to subdivide four existing lots into three lots with a variation. An appeal regarding the decision was filed on July 10, 2019, asserting that the Planning Commission's decision to approve SUB #2019-0003 was based on errors in tabulations and calculations and a failure to consider inconsistencies between the application and the Zoning Ordinance (Attachment 1).

II. SUMMARY

Currently, one house with an accessory outbuilding exists across the four lots, which were never legally consolidated, at 2911 and 2915 Holly Street. (The two addresses represent the lots used by the City's Real Estate Assessment Office for tax bill purposes and do not designate legal lot configurations.)

The applicant, Christian Cerria, proposed the three-lot subdivision to potentially construct a single-family dwelling on each of the three lots. The subdivision review included consideration of a variation to the R-8 zone lot requirements as the three proposed lots comply with the lot area and frontage requirements of the R-8 zone but are between nine to 10.5 feet less in width than the required 65 feet. It is important to note that subdivision reviews include only a review of proposed changes in lot lines and do not consider construction or design details of future development. The construction of three single family homes would require separate public hearing review of either a Development Special Use Permit (DSUP) or Development Site Plan (DSP). The majority of the concerns voiced at the June 25 Planning Commission hearing centered on aspects that would be addressed at the DSUP or DSP stage, such as the size, height

and design of the homes, driveway access, and stormwater runoff. Specifically, the shared driveway, as depicted on the plat, was a commonly voiced concern of residents at the Planning Commission hearing. The driveway access to the rear of the properties was included on the preliminary plat for the subdivision and was considered in the staff report only to indicate that there could be compliance with the Zoning Ordinance parking requirement for single family homes. While the applicant expressed a desire to maintain the existing driveway to limit topographic disturbance when the property is developed, this feature would be fully evaluated as part of a future DSUP or DSP analysis should the applicant decide to construct three dwellings on each of the three lots contemporaneously. To date, the applicant has not submitted concept plans to the P&Z development division for the single-family homes.

Subdivision reviews rest with a decision of the Planning Commission, which votes to approve or deny a request. Nevertheless, a subdivision decision of the Planning Commission may be appealed for City Council consideration. The City Clerk docketed the appeal of the Planning Commission's vote to approve SUB #2019-0003 for the September 14 public hearing. At this public hearing, the City Council is charged with voting to affirm, reserve or modify the Planning Commission's June 25 decision based on the same criteria for review as established under Zoning Ordinance Section 11-1700 and outlined in detail in Section IV of this memorandum and in the Planning Commission staff report (Attachment #3).

III. SUBDIVISION APPEAL

Section 11-1708(D) of the Zoning Ordinance establishes the appeal process for subdivisions. The appellants submitted an appeal of the Planning Commission's decision in writing to the City Clerk within 15 days of the Commission's decision. The appeal was deemed valid as it was confirmed that the appeal was made by the owners, filing as legal property owners, of at least 20 percent of the area of the land within 300 feet of the boundaries of the proposed subdivision.

When an appeal is filed, the City Council schedules a de novo public hearing on the matter and may affirm, reserve or modify the decision of the Planning Commission or return the matter to the Planning Commission for further consideration. On appeal the same standards shall be applied by the Council as are established for the Planning Commission. For City Council review of the subdivision request, the subdivision application with the preliminary plat is included as Attachment 2 and the staff report with the Planning Commission action is included as Attachment 3.

IV. CITY COUNCIL CRITERIA FOR REVIEW OF THE APPEAL

A. Standards for Approval

Per the Zoning Ordinance, in reviewing an appeal City Council shall review the preliminary plat, which is included in the application, using the same standards for approval as established for the Planning Commission.

In reviewing a subdivision application, such review is limited to characteristics of the lot with respect to its suitability for purposes which it is planned and zoned for and to its character with respect to similarly situated lots within the original subdivision. Analysis of the proposed subdivision may not include the anticipated improvements on the proposed lots.

B. Subdivision Requirements

Page 11 in the staff report references the standards for subdivisions which are outlined in several sections of the Zoning Ordinance. Among these standards:

- Section 11-1710(C) requires that the subdivision conform to the City Master Plan;
- Section 11-1710(D) requires that all lots meet the zone requirements;
- Sections 11-1710(A) and (E) through (R) contain infrastructure requirements; and
- Section 11-1710(B) states that subdivided lots “shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land in the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.” Subdivision plat documents or land in the same general location and zone with similar features may be used to determine neighborhood character.

C. Variation Requirements

Given that the proposed lots did not comply with Section 11-1710(D), due to a slight difference in lot widths, the Planning Commission also authorized a variation from the requirements of the Zoning Ordinance, as outlined on page 13 of the staff report and in Section V of this memorandum. Section 11-1713 provides the criteria for variation review. The required applicant justification is provided in the application (Attachment #2) and is summarized in the staff report beginning on page 11.

The Planning Commission agreed with the applicant’s points of justification for the required variation criteria as established in Section 11-1713(A):

- (i) A strict adherence to Section 11-1700 would result in substantial injustice. A substantial injustice is defined in Section 11-1713(B) as “causing the applicant an unreasonable burden on the development, use and enjoyment of the property, outweighing the land use or land development purposes served by the specific zoning provision or provisions of the ordinance at issue with the strict application of zoning requirements”;
- (ii) The use and character of the resulting lots or parcels in such a subdivision would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the immediate area; and
- (iii)(1) Extremely rugged topography.

V. STAFF ANALYSIS

This section of the memorandum provides an overview of the staff analysis found in the staff report on page 13 and responds to the appellants' claims.

A. Subdivision Analysis

The Planning Commission agreed with the staff analysis that the proposed re-subdivision conformed to the Potomac West Small Area Chapter of the City Master Plan, satisfying Section 11-1710(C), and that the infrastructure and technical requirements of Sections 11-1710(A) and (E) through (R) were met. Regarding compliance with Section 11-1710(D), the proposed lots exceed the minimum lot area and lot frontage requirements of the R-8 zone; however, due to the fact that the lot widths were slightly deficient, variation approval for the lot widths was necessary.

Section 11-1710(B) requires that lots created by re-subdivisions to be of substantially the same character as the established neighborhood created by the original subdivision with respect to similarly situated lots. The documents presented with the application, as outlined in the staff report, describe the original subdivision and the origins of the subject lots proposed to be re-subdivided. Current maps and real estate records provide evidence of the evolution of the original subdivision since 1923. These were used to inform the neighborhood character analysis and further analysis of similarly situated lots as compared to the proposed lots.

Staff maintains that the proposed lots are of substantially the same character as similarly situated lots within the subdivision in terms of suitability for residential use, lot area, lot orientation, street frontage, alignment to streets, and other features for purposes of complying with Section 11-1710(B). The analysis associated with *Table 1* and *Figure 1* informed the staff report conclusions and were supported by the Planning Commission. The area of the proposed lots exceeds the minimum requirement in the R-8 zone of 8,000 square feet and each of the proposed lots' area is larger than 87% of similarly situated lots in the subdivision. The proposed lots meet the minimum lot frontage requirement of 40 feet, as do all other similarly situated lots. As shown in *Table 1* in the staff report, the proposed lot width is 54.5 feet for Lots 500 and 501 and 56 feet for Lot 502. The lot analysis on page 15 of the staff report notes that Lots 500 and 501 have lot widths greater than 26% of similarly situated lots and Lot 502 has a lot width greater than 30% of similarly situated lots. *Table 1* in this memorandum shows additional detail and identifies each lot in the analysis by address.

Under the analysis in the staff report and this memorandum, staff has concluded that the proposed subdivision complies with the requirements of Section 11-1700 of the Zoning Ordinance.

B. Variation Analysis

The Planning Commission concurred with staff's analysis and the applicant's three required points of justification for a variation of the lot widths.

The applicant requested a variation for lot width for each of the three (3) proposed lots. Lot width is the width of the lot at the front yard setback. The R-8 zone requires a minimum front yard setback determined by a contextual block face analysis (defined in Section 2-122.1). Staff calculated a minimum front setback of 12 feet for the subject lots. The minimum lot width in the R-8 zone is 65 feet. As shown in *Table 1* in the staff report, the proposed lot width at the front yard setback line is 54.5 feet for Lots 500 and 501, and 56 feet for Lot 502, a difference of 10.5 feet and 9 feet, respectively, from the lot width requirement.

The Planning Commission accepted the applicant's first point of justification that strict adherence to the provisions of the ordinance would result in a "substantial injustice" (that is, create an "unreasonable burden on the development, use and enjoyment of the property") since many existing lots along Holly Street do not comply with the minimum required lot width for the R-8 zone. The applicant also cited similar conditions on other adjacent streets. Staff analysis compared the proposed lots to similarly situated lots limited to the boundaries of the original subdivision and staff's findings were similar. Many lots in the original subdivision have been consolidated and modified over time, and the existence of lots that are substandard in lot width is not an unusual condition among the similarly situated lots within the original subdivision. The applicant's inability to develop the proposed lots consistent with the R-8 zone setback requirements in substantially the same way as many similarly situated lots have been developed over time and for the same purpose would result in a substantial injustice. Further, to deny the variation request for three lots with slightly reduced widths would result in the applicant forfeiting a significant amount of developable land if two lots, less compatible in character with the similarly situated lots, were proposed.

In addition, the Planning Commission agreed with the applicant that the surrounding neighborhood consisted of lots developed with single-family homes, and that the proposed lots are similarly oriented and meet the minimum requirements of the zone for lot frontage and lot area. The applicant stated that the proposed lots are in keeping with the surrounding neighborhood character. Staff analysis concluded the same, finding that the proposed lots would be generous in size compared to similarly situated lots and would meet the minimum frontage requirements. The proposed lots would be in character with lots in the existing neighborhood and consistent with the use provisions of the R-8 zone. The staff analysis found that the difference in lot width is minimal, and the requested variation for lot width is not inconsistent with the character of the neighborhood since many existing developed lots are substandard in width.

Last, the Planning Commission concurred with the applicant's statement that extremely rugged topography existed on the proposed lots, as noted on page 12 of the staff report.

C. Appeal Response

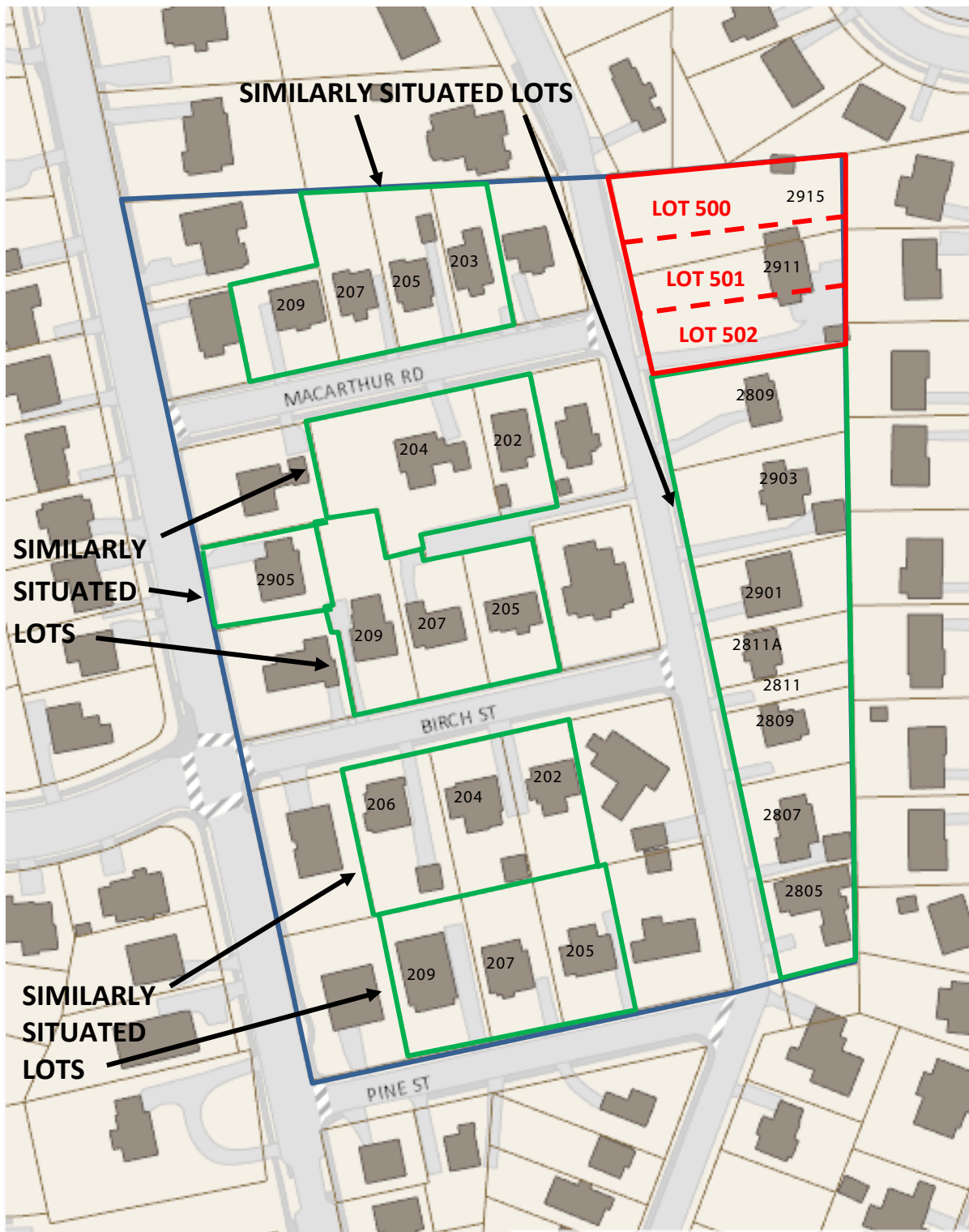
In response to the appeal claims, that the Planning Commission's decision to approve the subdivision application was "based on errors in tabulation and calculation...", staff reviewed the relevant tabulations and calculations for the lot area, width, and frontage for the existing and proposed lots as well as the figures for the "similarly situated lots" and found no errors. For instance, the staff analysis of neighborhood character and similarly situated lots is found beginning on page 13 of the staff report. Lot area for the similarly situated lots was obtained from City's real estate assessment property records. Lot frontage and lot width measurements were measured using

the City's geographic information system (GIS) data. In addition, regarding the appellants' allegation that the Planning Commission failed to consider inconsistencies between the application and the Zoning Ordinance, staff determined that its analysis addresses the requirements of the subdivision review as detailed in this memorandum and the staff report. In addition to the staff analysis in the staff report, *Table 1* in this memorandum provides further detail of the calculations for lot area, frontage, and width, showing the addresses of all properties used in the analysis. The proposed lots (Lots 500, 501, 502) are highlighted and shown for comparison. *Figure 1* is a revision of *Figure 5* from the staff report. This map adds address numbers for similarly situated lots to allow easier identification and cross-referencing with *Table 1*.

Table 1: Similarly Situated Lots

Lot Width (at building line)		Lot Area		Lot Frontage	
<i>Minimum (ft.):</i>		<i>Minimum (sq. ft.):</i>		<i>Minimum (ft.):</i>	
204 Macarthur Road	136	204 Macarthur Road	14060	204 Macarthur Road	135
2903 Holly Street	80.5	2909 Holly Street	11780	2805 Holly Street	80
2807 Holly Street	80	2903 Holly Street	11120	2807 Holly Street	80
2805 Holly Street	80	Lot 500	9848	2903 Holly Street	80
2909 Holly Street	74	Lot 501	9251	2909 Holly Street	78
209 Macarthur Road	72	Lot 502	8869	209 Macarthur Road	74
206 Birch Street	71	206 Birch Street	8518	206 Birch Street	71
2905 Russell Road	70	209 Pine Street	8240	2905 Russell Road	70
209 Pine Street	68.25	209 Birch Street	8157	209 Pine Street	70
2901 Holly Street	60	2901 Holly Street	7440	2809 Holly Street	60
2809 Holly Street	60	204 Birch Street	7200	205 Birch Street	60
205 Birch Street	60	207 Pine Street	7200	207 Birch Street	60
204 Birch Street	60	205 Pine Street	7200	204 Birch Street	60
207 Pine Street	60	207 Birch Street	6900	207 Pine Street	60
205 Pine Street	60	2905 Russell Road	6900	205 Pine Street	60
207 Birch Street	58.75	2807 Holly Street	6800	2901 Holly Street	60
Lot 502	56	205 Macarthur Road	6708	Lot 502	56.95
202 Birch Street	55	202 Birch Street	6600	202 Birch Street	55
Lot 500	54.5	205 Birch Street	6600	Lot 501	55
Lot 501	54.5	2809 Holly Street	6000	Lot 500	55
205 Macarthur Road	53	2805 Holly Street	5828	205 Macarthur Road	53
209 Birch Street	51.75	207 Macarthur Road	5808	209 Birch Street	52
207 Macarthur Road	50	209 Macarthur Road	5746	202 Macarthur Road	50
202 Macarthur Road	48	203 Macarthur Road	5456	207 Macarthur Road	50
203 Macarthur Road	45	202 Macarthur Road	5184	203 Macarthur Road	45
2811 A Holly Street	40	2811 A Holly Street	4560	2811 A Holly Street	40

Figure 1: Revised Map (With Addresses), Similarly Situated Lots (to Proposed Lots 500-502)



VI. CONCLUSION

The Planning Commission agreed with the staff analysis that the proposed lots meet the subdivision and variation requirements. Therefore, based on the staff report and this memorandum, staff recommends that City Council affirm the decision of the Planning Commission from its meeting of June 25, 2019 to approve the subdivision with variation request.

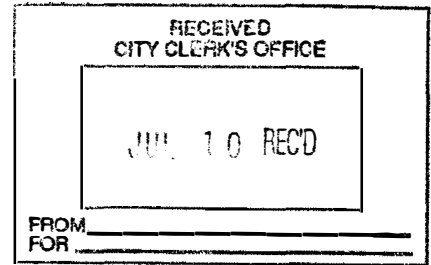
ATTACHMENTS

- | | |
|----------------------|---|
| Attachment #1 | Appellant names and their written appeal request |
| Attachment #2 | Application and preliminary plat |
| Attachment #3 | Staff report with Planning Commission June 25, 2019 actions |

ATTACHMENT #1

July 10, 2019

Mayor Justin Wilson
Alexandria City Council
301 King St., Room 2300
Alexandria, VA 22314



RE: Appeal of Subdivision 2019-0003, 2911 and 2915 Holly St

The Planning Commission's decision regarding SUB 2019-0003 on June 25, 2019, was based on errors in tabulation and calculation, and a failure to consider inconsistencies between the application and the Zoning Ordinance. Therefore, the Planning Commission erred in approving the application for the subdivision of the property into three (3) substandard lots.

Pursuant to § 11-1708 of Alexandria's Zoning Ordinance, the undersigned owners of real property within 300 feet of the boundaries of the proposed subdivision hereby appeal the June 25, 2019, decision of City of Alexandria Planning Commission to approve the subdivision of lots at 2911 and 2915 Holly Street.

Thank you for your consideration.

Attachments: Signatures of neighborhood residents who meet the requirements to appeal the approval of the subdivision application.

CC: Vice Mayor Elizabeth Bennett-Parker
Councilwoman Redella S. Pepper
Councilman Canek Aguirre
Councilman John Taylor Chapman
Councilwoman Amy Jackson
Councilman Mohamed Seifeldein

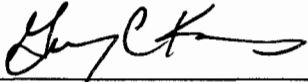
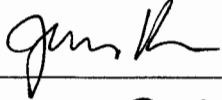
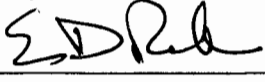
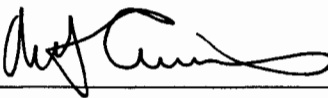

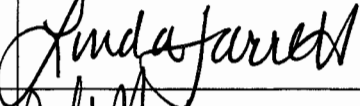
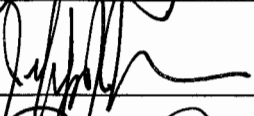

The Planning Commission's decision regarding SUB 2019-0003 on June 25, 2019, was based on errors in tabulation and calculation, and a failure to consider inconsistencies between the application and the Zoning Ordinance. Therefore, the Planning Commission erred in approving the application for the subdivision of the property into three (3) substandard lots.

We, the undersigned, officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of lots at 2911 and 2915 Holly St, as detailed in the attached letter.

No.	Signature of Owner	Name of Owner	Address	Date
1	Cynthia P. Roscoe	Cynthia Roscoe, trustee	203 MacArthur Rd	7/7/19
2	PH	Peter Harrington	209 MacArthur Rd	7/7/19
3	George A. Chadwick III	George A. Chadwick III	2930 1st Holly St	7/7/19
4	Marguerite M. Chadwick	Marguerite M. Chadwick	2930 Holly St.	7/7/19
5	Judith K. Gast	JUDITH K. GAST	2909 Holly St	7/7/19
	Eliza Nieman			
6	Eliza Nieman	Eliza Nieman	2811 Holly St/2811 A Holly St	7/7/19
7	William Hodge	William Hodge	2811 Holly St/2811 A Holly St	7/7/19
8	Tim Smith	Tim Smith	204 MacArthur Rd Alex. VA 22304	7/7/19

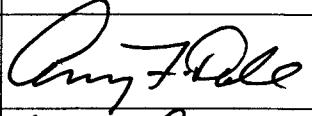

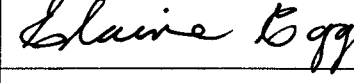

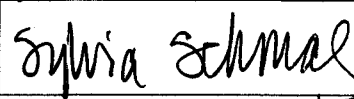
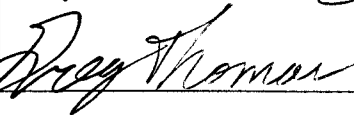
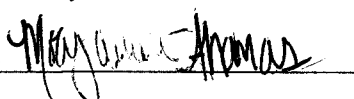
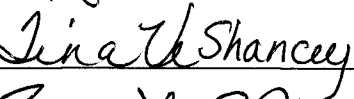
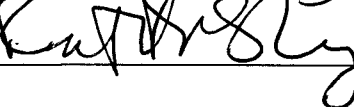
The Planning Commission's decision regarding SUB 2019-0003 on June 25, 2019, was based on errors in tabulation and calculation, and a failure to consider inconsistencies between the application and the Zoning Ordinance. Therefore, the Planning Commission erred in approving the application for the subdivision of the property into three (3) substandard lots.

We, the undersigned, officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of lots at 2911 and 2915 Holly St, as detailed in the attached letter.

No.	Signature of Owner	Name of Owner	Address	Date
9		Jeremy C. Kamens	3009 Holly St., Alexandria 22305	July 7, 2019
10		Jessie Kamens	3009 Holly St., Alexandria 22305	7/7/19
11		ERIC + GABRIELA ROHLICK	3100 HOLLY ST. ALEXANDRIA 22305	7/7/19
12		MIKE & MZAN CUMMINGS	3008 Holly St., Alexandria, VA 22305	7/7/19
13		SCOTT ATKINSON	3103 HOLLY ST. Alexandria, VA 22305	7/7/19
14		Linda Jarrett	3105 Holly Street, Alexandria VA 22305	7/7/19
15		Jeffrey J. Janoske	3105 Holly Street, Alexandria VA 22305	7/7/19
16		Richard Christensen	3107 Holly St, ALEXANDRIA VA 22305	7/8/19


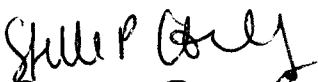
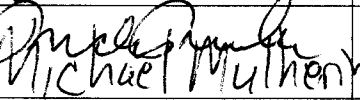
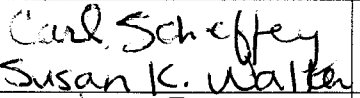
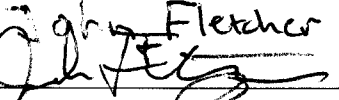

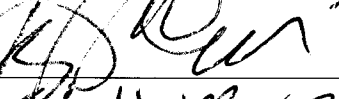
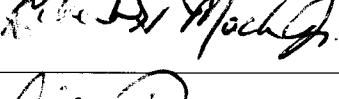
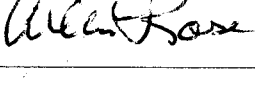
The Planning Commission's decision regarding SUB 2019-0003 on June 25, 2019, was based on errors in tabulation and calculation, and a failure to consider inconsistencies between the application and the Zoning Ordinance. Therefore, the Planning Commission erred in approving the application for the subdivision of the property into three (3) substandard lots.

We, the undersigned, officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of lots at 2911 and 2915 Holly St, as detailed in the attached letter.

No.	Signature of Owner	Name of Owner	Address	Date
17		Amy F. Dale	202 MacArthur Rd	7-8-19
18		MORGAN A. BROMAN	202 MACARTHUR RD.	7-8-19
19		ELAINE EGGER	207 BIRCH ST.	7/8/19
20		OSKAR EGGER	207 BIRCH ST.	7/8/19
21		Sylvia Schmalz	2901 Holly St	7/8/19
22		Greg Thomas	207 MacArthur Rd	7/8/19
23		MARY ANNA THOMAS	207 MacArthur Road	7/8/19
24		Tina V. Shancey	201 Birch St.	7/8/19
25		Robert V. Shancey	201 Birch St	7/8/19

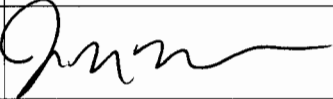
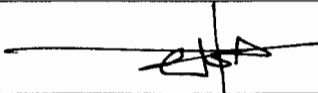


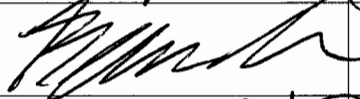

The Planning Commission's decision regarding SUB 2019-0003 on June 25, 2019, was based on errors in tabulation and calculation, and a failure to consider inconsistencies between the application and the Zoning Ordinance. Therefore, the Planning Commission erred in approving the application for the subdivision of the property into three (3) substandard lots.

We, the undersigned, officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of lots at 2911 and 2915 Holly St, as detailed in the attached letter.

No.	Signature of Owner	Name of Owner	Address	Date
26		Margaret Eastman	2911 Mosby St Alex Va 22305	7/7/19
27		Stella Hanly	2913 Mosby St AIX VA 22305	7/7/19
28		Michael Mulhern	2913 Mosby St. Alex, VA 22305	7/7/19
29		Susan K. Walker	210 Gentry Ave. Alex. 22305	7/7/19
30		John Fletcher	2904 Mosby St Alexandria, VA 22305	7/7/19
31		Desiree K. Sanchez	2904 mosby st. alexandria, VA 22305	7/7/19
32		Tracey Washington	3006 Mosby St., Alexandria, VA 22305	7/7/19
33		Robert H. Mack Jr	2905 MOSBY ST, ALEXANDRIA VA 22305	7/8/19
34		Allen Rose	2905 Mosby St. Alexandria Va 22305	7/8/19


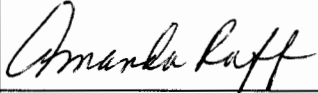

The Planning Commission's decision regarding SUB 2019-0003 on June 25, 2019, was based on errors in tabulation and calculation, and a failure to consider inconsistencies between the application and the Zoning Ordinance. Therefore, the Planning Commission erred in approving the application for the subdivision of the property into three (3) substandard lots.

We, the undersigned, officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of lots at 2911 and 2915 Holly St, as detailed in the attached letter.

No.	Signature of Owner	Name of Owner	Address	Date
35		Janelle Burke, as trustee	2908 Mosby St., Alexandria, VA	7/7/2019
36		Ahmad A. Slaibi, as trustee	2908 Mosby St., Alexandria, VA	7/7/2019
37		Priscilla Shremaker	2906 Mosby St, Alexandria, VA	7/7/2019
38		Marcia MacDonell	3002 Mosby St. Alex VA	7/8/19
39		Ben Sylva	2902 Mosby St. Alex, VA	7/9/19
40		^{LAURENCE} JOSEPH MATTIOLI	2709 Mosby St. ALEXANDRIA VA	7/9/19

The Planning Commission's decision regarding SUB 2019-0003 on June 25, 2019, was based on errors in tabulation and calculation, and a failure to consider inconsistencies between the application and the Zoning Ordinance. Therefore, the Planning Commission erred in approving the application for the subdivision of the property into three (3) substandard lots.

We, the undersigned, officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of lots at 2911 and 2915 Holly St, as detailed in the attached letter.

No.	Signature of Owner	Name of Owner	Address	Date
41		John G. Ruff	2903 Holly street Alex VA 22305	7/8/19
42		Amanda M. Ruff	2903 Holly St. Alexandria VA 22305	7/8/19
43		Françoise Thomas	3104 Holly Street, Alexandria 22305	7/10/19

ATTACHMENT #2



APPLICATION

SUBDIVISION OF PROPERTY

SUB # _____

PROPERTY LOCATION: 2915 & 2911 Holly Street Alexandria, VA 22304

TAX MAP REFERENCE: 024.01-02-29 and 024.01-02-30

ZONE: R-8

APPLICANT:

Name: Christian Cerria

Address: 273 South Pickett Street #402 Alexandria, VA 22304

PROPERTY OWNER:

Name: Linda L. Alexander

Address: 2915 & 2911 Holly Street Alexandria, VA 22304

SUBDIVISION DESCRIPTION

PLAT OF SUBDIVISION 2915 & 2911 HOLLY STREET PORTION OF GROVE'S

SUBDIVISION OF PLAT NO. 1, MT. IDA LOTS 15, 16, 17 & PORTION OF 14

☒ **THE UNDERSIGNED** hereby applies for Subdivision in accordance with the provisions of Section 11-700 of the Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Christian Cerria

Print Name of Applicant or Agent

273 South Pickett Street #402

Mailing/Street Address

Alexandria, VA 22304

City and State

Zip Code

Signature

732-306-1020

Telephone #

Fax #

cmcerria@gmail.com

Email address

04/18/19

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Fee Paid and Date: _____

ACTION - PLANNING COMMISSION: _____

ALL APPLICANTS MUST COMPLETE THIS FORM.

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is: (check one)

☐ the Owner ☒ Contract Purchaser ☐ Lessee or ☐ Other: _____ of the subject property.

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

There are three contract purchaser's: (i) Pamela Cerria, 273 South Pickett Street #402 Alexandria, VA 22304, 33.33% (ii) Gregory Naing, 11710 Old Georgetown Road #1501 Rockville, MD 20854, 33.33% and (iii) Gaocai Chen, 1903 Piccard Dr. Rockville, MD 20850, 33.33%.

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

- ☒ **Yes.** Provide proof of current City business license.
- ☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

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.} Pamela Cerria	273 South Pickett Street #402 Alexandria, VA 22304	33.33%
^{2.} Gregory Naing	11710 Old Georgetown Road #1501 Rockville, MD 20854	33.33%
^{3.} Gaocai Chen	1903 Piccard Dr. Rockville, MD 20850	33.33%

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2915 & 2911 Holly Street Alexandria, VA 22304 (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.} Linda L. Alexander	2915 & 2911 Holly Street Alexandria, VA 22304	100%
^{2.} Pamela Cerria	273 South Pickett Street #402 Alexandria, VA 22304	Contract Purchaser
^{3.} Gregory Naing ^{4.} Gaocai Chen	11710 Old Georgetown Road #1501 Rockville, MD 20854 1903 Piccard Dr. Rockville, MD 20850	Contract Purchaser Contract Purchaser

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
^{1.} Linda L. Alexander	None	None
^{2.} Pamela Cerria	None	None
^{3.} Gregory Naing ^{4.} Gaocai Chen	None	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.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

04/18/19

Christian Cerria

Date

Printed Name

Signature

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

**SUBMITTED TO
THE DEPARTMENT OF PLANNING AND ZONING
CITY OF ALEXANDRIA, VIRGINIA**

PROJECT NAME: Holly Street Redevelopment

PROJECT ADDRESS: 2915 & 2911 Holly Street Alexandria, VA 22304

DESCRIPTION OF REQUEST:


Public hearing and consideration of a request for a subdivision with a variation to subdivide four existing lots into three lots; zoned: R8/Single-family zone.

THE UNDERSIGNED hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above.

Date: 5.22.19

☒ Applicant

☐ Agent

Signature:  _____

Printed Name: Christian Cerria

Written Justification Statement for a Variation per Section 11-1713 of the Zoning Ordinance

A variation of the required lot width of 65' to a width of 52 feet is requested by the Applicant at the building line for the following proposed lots 500, 501, and 502 fronting Holly Street (collectively "Proposed Lots"). The required lot width is based on Section 3-305 (B) of the City of Alexandria Zoning Ordinance. The following variation criteria per Section 11-1713 is in bold and an explanation by the Applicant is italicized below. It is provided to the Commission for their evaluation and vote to authorize this specific lot width variation from Section 3-305 (B):

(i) a strict adherence to such provisions would result in substantial injustices

Strict adherence to Section 3-305 (B) would be a substantial injustice as out of 69 houses fronting Holly Street, 40 do not comply with the 65' lot width requirement in Section 3-305 (B) of the City of Alexandria Zoning Ordinance. An overwhelming majority have a 50' lot width at the building line; therefore the Proposed Lots would be more than two feet greater in width at the building line than the majority of lots fronting Holly Street. In addition, Macarthur Rd. runs perpendicular to Holly Street and according to the latest tax map, four out of the ten houses fronting Macarthur Rd. do not comply with the 65' requirement in Section 3-305. An overwhelming majority have a 44' lot width at the building line as compared to the Proposed Lots which would have more than eight feet greater in width. At one point in time, 4 lots on the Property were contemplated, Lots 17, 16, 15, and 14, as shown below in Plat No. 3 Supplement of Groves Subdivision of Plat No 1 Mount Ida. This Plat illustrates the long-standing history of this neighborhood having longer and narrower lots measuring 40' lot widths compared to the Proposed Lots which would have more than twelve feet greater in width at the building line. By not granting this variation of 52', it would result in a substantial injustice and hardship for the property given the Proposed Lots reflect the use and character of the community generally the same size and shape as lots in the area.



(ii) the use and character of the resulting lots or parcels in such a subdivision would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the immediate area

The area surrounding the Proposed Lots is developed with single-family detached homes similar in size and style lots to the Applicant's Proposed Lots. The Proposed Lots are in keeping with the surrounding neighborhood along Holly Street and Macarthur Rd., providing a unique geometry of longer and narrower lots. The Proposed Lots exceed the minimum lot size requirement in Section 3-305 (B) for a total of 8,000 SF, including: 23% for Proposed Lot 500; 15% for Proposed Lot 501; and 10% by Proposed Lot 502. The Proposed Lots also exceed the minimum lot frontage at the front lot line requirement in Section 3-305 (B) of 40 feet by approximately fifteen feet, resulting in a 55' lot frontage for Proposed Lot 500 and 501 and 56.95' for Proposed Lot 502. The ample lot area and lot frontage of the Proposed Lots outweighs the lot width requirement at the building line per Section 3-305 (B) of the City of Alexandria Zoning Ordinance, creating unreasonable burden on this development, as well as limiting the use and enjoyment of the property which is a substantial injustice.

(iii) one or more of the following special circumstances exists:

(1) Extremely rugged topography.

The Proposed Lots have extremely rugged topography: the apex of the Proposed Lots is nearly 30 feet, which is a substantial grade change compared to Holly Street elevation. The Applicant is proposing to preserve the integrity of the topography by not developing individual driveways, but rather utilizing the single existing curb cut and proposing a common driveway to access the Proposed Lots and detached garages.



LEGEND

- EXISTING CONTOUR
- HYDRANT
- WATER VALVE
- GAS VALVE
- OVERHEAD WIRES (TELEPHONE, CABLE, ELECTRIC)
- UTILITY POLE
- ELECTRIC METER
- SANITARY MANHOLE
- WATER METER
- GAS METER
- MAIL BOX
- FENCE
- PROPERTY LINE
- PROPOSED SUBDIVISION LINE
- EXISTING TREE

OWNER:

APPLICANT:

LINDA L. ALEXANDER
2911 HOLLY ST
ALEXANDRIA, VA 22305

CHRISTIAN CERRIA
273 SOUTH PICKETT STREET #402
ALEXANDRIA, VA 22304

NOTES:

- PROPERTY IS LOTS 15, 16, 17 & PORTION OF LOT 14, BLOCK 21 OF PLAT NO. 3 SUPPLEMENT OF GROVE'S SUBDIVISION OF PLAT NO. 1, MOUNT IDA, AS RECORDED IN DEED BOOK 188 PAGE 531 AND BEING THE LANDS OF LINDA L. ALEXANDER AS RECORDED AS INSTRUMENT NO. 990027970 PAGE 74 AMONG THE LAND RECORDS OF ARLINGTON COUNTY, VIRGINIA AND HAVING A TAX MAP NUMBER OF 024.01-02-29 PER THE DEPARTMENT OF ASSESSMENTS.
- ZONING: SUBJECT PROPERTY ZONED R8 - LOW RESIDENTIAL
- LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE, SOURCE INFORMATION FROM PLANS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED, WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY. UTILITIES ARE SHOWN PER MISS UTILITY MARK-OUT AND FIELD LOCATION.
- THIS SURVEY WAS PERFORMED IN THE FIELD ON THE GROUND UTILIZING THE REFERENCE MATERIAL AS LISTED HEREON AND DEPICTS BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS THEREON, ON MARCH 22, 2019 BY BOHLER ENGINEERING.
- ELEVATIONS ARE BASED ON NAVD 88 DATUM BASED ON GPS OBSERVATIONS.
- THE PROPERTY IS NOT WITHIN A MAPPED RPA OR FLOODPLAIN.
- THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, CITY OF ALEXANDRIA, VIRGINIA, PANEL 29 OF 45", COMMUNITY-PANEL NUMBER 515519-0029-E, WITH A MAP EFFECTIVE DATE OF JUNE 16, 2011.
- THERE ARE NO KNOWN GRAVES OR BURIAL SITES ON THE PROPERTY.
- TREES WITH 12 INCH DBH AND LARGER HAVE BEEN LOCATED WITHIN THE PROJECT BOUNDARY.
- THERE ARE NO KNOWN AREAS OF CONTAMINATED SOIL ON THE PROPERTY.
- THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY; HOWEVER, NO PHYSICAL INDICATIONS OF SUCH WERE FOUND AT THE TIME OF THE FIELD INSPECTION OF THIS SITE.
- THERE ARE NO KNOWN AREAS WITH THE POTENTIAL OF GENERATING COMBUSTIBLE GASSES.
- THE PROPERTY IS NOT LOCATED WITHIN 1,000 FEET OF ANY KNOWN CURRENT OR FORMER SANITARY LANDFILL, DUMP, OR DISPOSAL AREA.
- ONSITE STORMWATER RUNOFF SHEET FLOWS FROM THE PROPERTY TOWARDS HOLLY STREET WHERE IT IS CONVEYED BY THE STREET GUTTER UNTIL COLLECTED BY A CURB INLET BEFORE ENTERING THE PUBLIC STORMWATER NETWORK. ANY DEVELOPMENT ON THE PROPERTY WILL NOT CHANGE THE DRAINAGE CHARACTERISTICS OF ADJACENT PROPERTIES.

AREA TABLE		
LOT	SQUARE FEET	ACRES
PROPOSED LOT 1	9,848	0.226
PROPOSED LOT 2	9,251	0.212
PROPOSED LOT 3	8,869	0.204
TOTAL	27,968	0.642

CITY APPROVAL BLOCK



PLAT OF SUBDIVISION
2915 AND 2911 HOLLY STREET
PORTION OF GROVE'S SUBDIVISION
OF PLAT NO. 1, MT. IDA LOTS
15,16,17 & PORTION OF 14



**BOHLER
ENGINEERING**

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRAIL DESIGN SERVICES

THE INFORMATION CONTAINED ON THIS PLAN WAS PREPARED BY AND FOR THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION. BOHLER ENGINEERING, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION. BOHLER ENGINEERING, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION.

REVISIONS			
REV	DATE	COMMENT	BY
1	05/22/19	REV. PER CITY COMMENTS	NTG

KNOW WHAT'S BELOW
ALWAYS CALL 811
BEFORE YOU DIG

It's fast. It's free. It's the law.

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.: S192051

DRAWN BY: NTG

CHECKED BY: 04/18/19

DATE: AS NOTED

SCALE: EX0

CAD I.D.: EX0

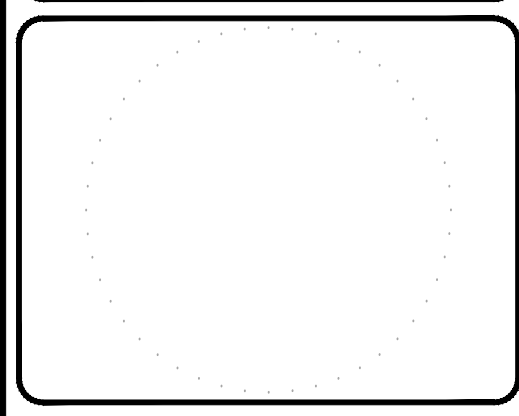
PROJECT: SUBDIVISION
APPLICATION

FOR

LOCATION OF SITE
2915 AND 2911 HOLLY STREET
ALEXANDRIA, VA 22304

**BOHLER
ENGINEERING**

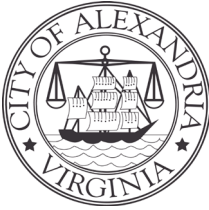
12825 WORLDGATE DRIVE, SUITE 700
HERNDON, VIRGINIA 20170
Phone: (703) 709-9500
Fax: (703) 709-9501
VA@BohlerEng.com



SHEET TITLE: SUBDIVISION
PLAT

SHEET NUMBER: C-1

ATTACHMENT #3



Subdivision #2019-0003 ***2915 and 2911 Holly Street***

Application	General Data	
Request: Public hearing and consideration of a request for a subdivision with a variation to re-subdivide four existing lots into three lots	Planning Commission Hearing:	June 25, 2019
	Approved Plat must be Recorded By:	December 25, 2020
Address: 2915 and 2911 Holly Street	Zone:	R-8 / Single Family Zone
Applicant: Christian Cerria, represented by Kenneth Wire, attorney	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewer: Max Ewart, max.ewart@alexandriava.gov
William Cook, william.cook@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION JUNE 25, 2019: On a motion by Vice-chair Wasowski and seconded by Commissioner Lyle, the Planning Commission voted to approve the subdivision request, with the deletion of Condition #2. The motion carried on a vote of 5-1, with Commissioner Brown voting against and Commissioner McMahon absent.

Reason: The Planning Commission generally agreed with the staff analysis.

Chair Macek asked several questions for staff regarding comments made by the public. He inquired if the analysis for the subdivision and variation request for SUB #2019-0003 were consistent with previous subdivision requests. Staff replied that it was consistent, including the comparison of the proposed lots with similarly situated lots in the original subdivision. Chair Macek also asked for staff to address the applicant's justification for a "substantial injustice." Staff explained that the denial of the variation request for lot widths would be a substantial injustice for the applicant as 61% of similarly situated lots in the subdivision also did not comply with the R-8 zone requirement for lot width, and, therefore, the proposed lots were consistent in character with the comparison lots. He confirmed with staff that the reference to the shared driveway in the staff report was addressed to acknowledge that each of the lots could comply with the residential parking requirement of two parking spaces for each dwelling. Staff continued that the type of

driveway access to the homes would be reviewed through a Development Special Use Permit or Development Site Plan application. Lastly, Chair Macek asked what City review process would apply if one home was proposed on one of the existing lots. Staff replied that Special Use Permit approval may be required for the redevelopment of a developed substandard lot, although further research should be done to confirm this.

Commissioner Lyle supported the staff analysis and, while acknowledging that a shared access driveway is not part of the subdivision review, stated that similar shared access driveways have positive impacts in terms of increased open space and tree canopy coverage.

Commissioner Brown acknowledged that the Planning Commission cannot review what could be proposed for development in the review of the subdivision. Commissioner Brown agreed with the analysis in regards to Sections 11-1710(B) and 11-1710(D) but disagreed with the staff analysis of Section 11-1713 for the variation request. Commissioner Brown reiterated that the subject site could be developed with two zoning-compliant lots and concluded that he would not recommend approval.

Commissioner Koenig asked the City Attorney to clarify whether the justifications for Sections 11-1713(A)(i), 11-1713 (A)(ii) and 11-1713 (A)(iii) were to be interpreted to support the substantial injustice claim. The City Attorney noted that all three needed to be met independently.

Chair Macek agreed with the staff analysis in support of the application request. He stated that the subdivision would bring the lots closer to conformity with the neighboring lots in the subdivision. He suggested deleting Condition #2 from the staff report as the driveway configuration would be addressed in the DSUP or DSP and in the grading plan.

Speakers:

Kenneth Wire, attorney for the applicant, expressed support for the staff analysis and noted that the design of the dwellings, parking access and site considerations would be addressed in the future development review. He identified that shared driveways had a precedent in the neighborhood.

Pamela Cerria, the applicant's wife, 273 South Pickett Street, stated that they were looking forward to living in the neighborhood. She also noted that they contacted several prospective neighbors regarding the subdivision application.

Amanda Ruff, 2905 Holly Street, spoke in opposition of the subdivision request. She cited that the shared driveway would increase traffic in the neighborhood.

Janelle Burke, 2908 Mosby Street, opposed the subdivision request. Her house abuts the proposed subdivision to the rear and new construction would produce taller houses that would obstruct her view. The proposed shared-access driveway did not comply with similarly situated lots.

Amy Dale, 202 MacArthur Road, spoke in opposition of the subdivision request. She stated that the proposal did not meet the 11-1710(D) requirements of the Zoning Ordinance for single-family

homes and that the City should have informed the neighborhood of the application. The proposal would result in decreased property values and she wanted the City to enforce the zoning laws consistently.

Jessie Kamens, 3009 Holly Street, opposed the subdivision request and mentioned that the lot widths would be substandard and inconsistent with the surrounding neighborhood. She also argued that a shared-access driveway would increase traffic and could increase stormwater runoff.

Jeremy Kamens, 3009 Holly Street, spoke in opposition of the subdivision request and stated that the applicant had not established a substantial injustice. He also argued that the proposal would not be consistent with nearby lots, would further impact the density, and that high cost of the property led to the applicant to propose three lots instead of two.

Judith Gast, 2909 Holly Street, spoke in opposition of the request citing issues that would be caused by a shared-access driveway, including traffic and glare from automobiles.

Jeffry Janoska, 3105 Holly Street, opposed the proposed subdivision, citing development issues in the proposal which compromised the subdivision review process and that the lots would not be consistent with the neighborhood.

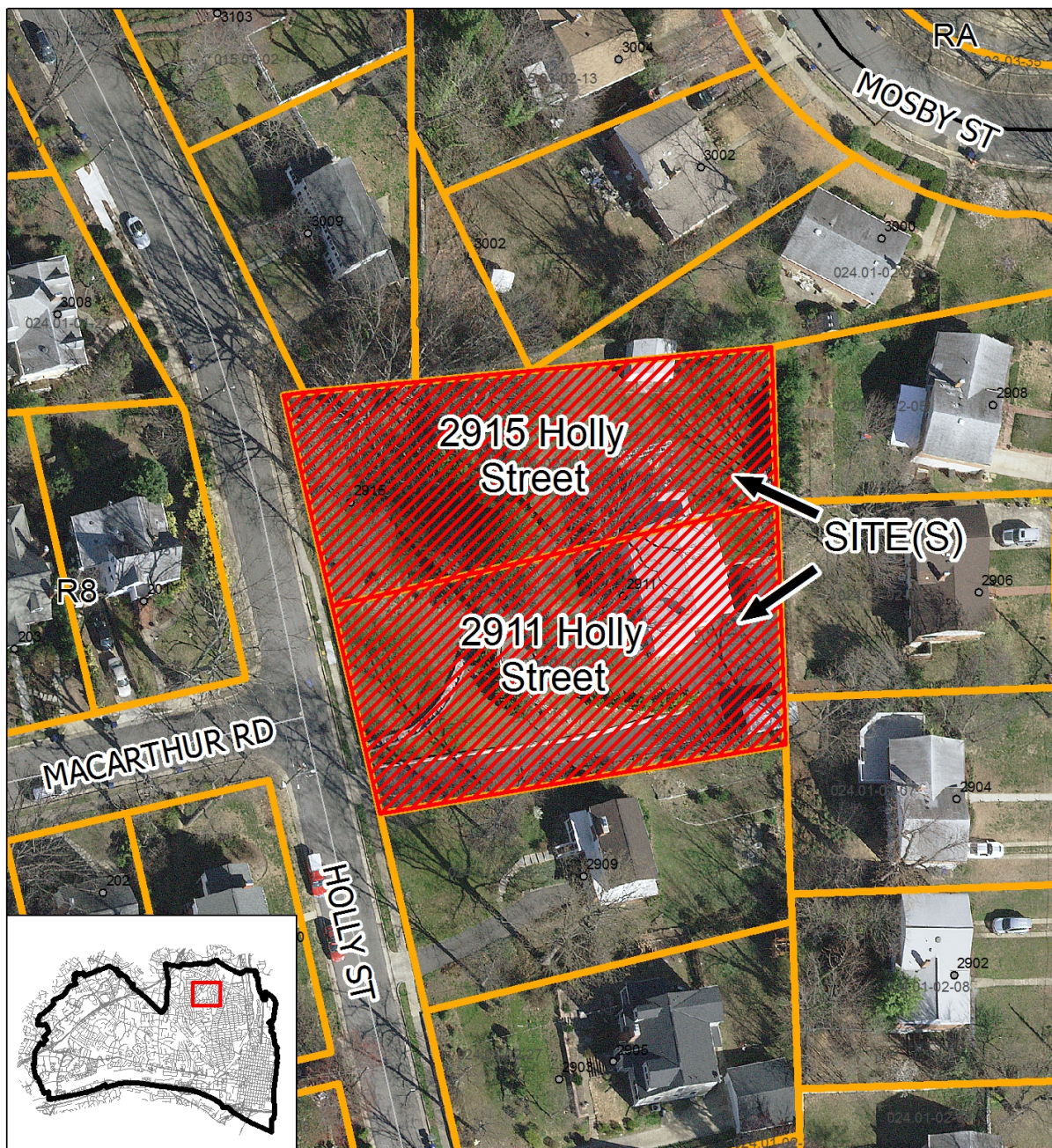
Jeffrey Resetco, 906 Enderby Drive, spoke in favor of the proposed subdivision, identifying that there was precedent in the neighborhood for the shared-access driveway and that the lot would be consistent with other lots. He agreed with the substantial injustice justification and that increased development in the area is positive.

Ahmad Slaibi, 2908 Mosby Street, spoke in opposition of the proposed subdivision, stating that new development should not be at the cost of nearby properties and that this would set a precedent for six to nine cars to park in the rear of the houses, effectively creating a rear parking lot.

Robert VaShancey, 201 Birch Street, opposed the proposed subdivision, mentioning that it would not be in compliance with the Zoning Ordinance and that nonconforming lots should not be considered in support of a variation. He also stated that the subdivision proposal would not be consistent with the character of the neighborhood.

John Fletcher, 2904 Mosby Street, spoke in opposition, stating that there had been a lack of transparency with the building plans from the applicant. He stated that the variation request had merit.

Christian Cerria, applicant, stated that he and his wife would like to maintain the integrity of the neighborhood and they would like to develop positive relationships with the neighbors. Mr. Cerria mentioned that he is hopeful that the neighbors would be pleased with the dwelling designs when the development review comes forward to a future public hearing.



I. DISCUSSION

The applicant, Christian Cerria, represented by Kenneth Wire, attorney, requests approval to subdivide four lots of record into three lots of record with variations for the lot width in the R-8 Zone. Staff recommends approval of the subdivision request with conditions as described in this report.

SITE DESCRIPTION

The subject sites at 2915 and 2911 Holly Street are located on two parcels which, together, consist of four trapezoidal lots -- Lot 17, 16, 15 and partial Lot 14 -- which were never formally consolidated within the parcels. Rugged topography exists on the lots, particularly in the areas closest to Holly Street.



Figure 1 – Subject Site

Lot 17 has 64.45 feet of frontage along Holly St., 188 feet of depth and a total lot area of 9,330.81 square feet that is currently developed with a shed. Lots 16, 15 and 14 have 40 feet, 40 feet and 22 feet of frontage, respectively, along Holly Street. The lot depth for Lots 16, 15 and 14 are 180 feet, 172 feet and 167 feet respectively. The lot area for Lots 16, 15 and 14 are 7,162.8 square feet, 6,835.6, and 4,403.83 square feet, respectively. These three lots are developed with a two-story house, constructed in the early 1920s, and a garage (Figure 1).

Single-family dwellings surround the lots. A mix of semi-detached single family, two-family and townhouse dwellings are located farther to the east.

SUBDIVISION BACKGROUND

Land records indicate that the subject site was part of the subdivision known as “Plat No.3 Supplement of Groves Subdivision of Plat No. 1 Mount Ida” recorded in 1923. At that time this land located on the east side of Russell Road was part of Arlington County. The original subdivision consisted of 58 lots, the majority with a uniform lot frontage of 40-feet but with varying depths (Figure 2).

Lots in the neighborhood were re-subdivided as homes were built, with lots being combined with adjacent lots or portions of adjacent lots that were divided in half or in other configurations. Many of these lot transactions took place before annexation into the City. Such is the case with Lot 14, with roughly the northern half being combined with the subject property, and the southern half being combined with Lot 13 and the northern half of Lot 12 at neighboring 2909 Holly Street. The

combination of these lots created separate legal lots, although the lots were not formally consolidated.

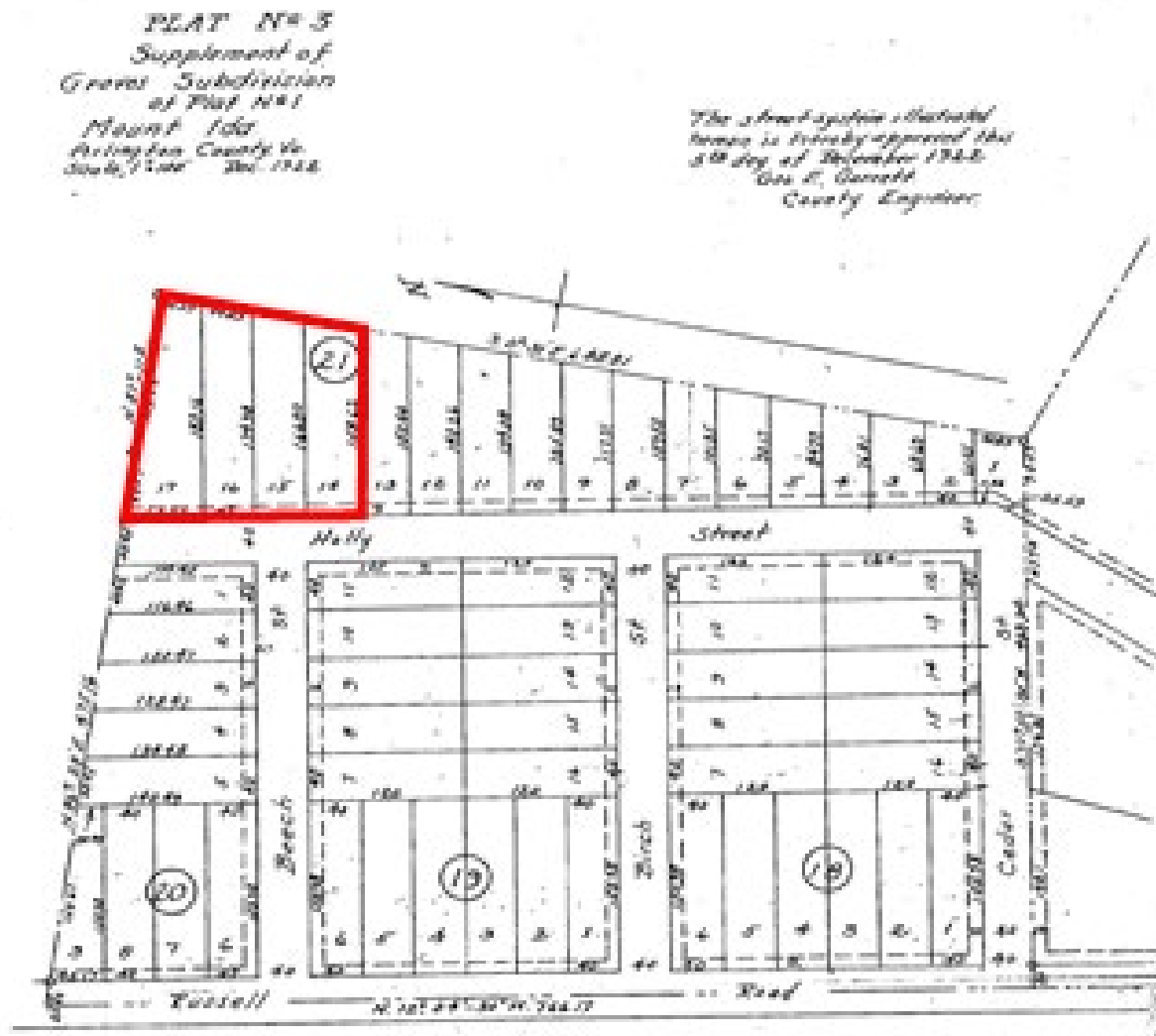


Figure 2 - Portion of Groves Subdivision, 1922.
Original lots outlined in red.

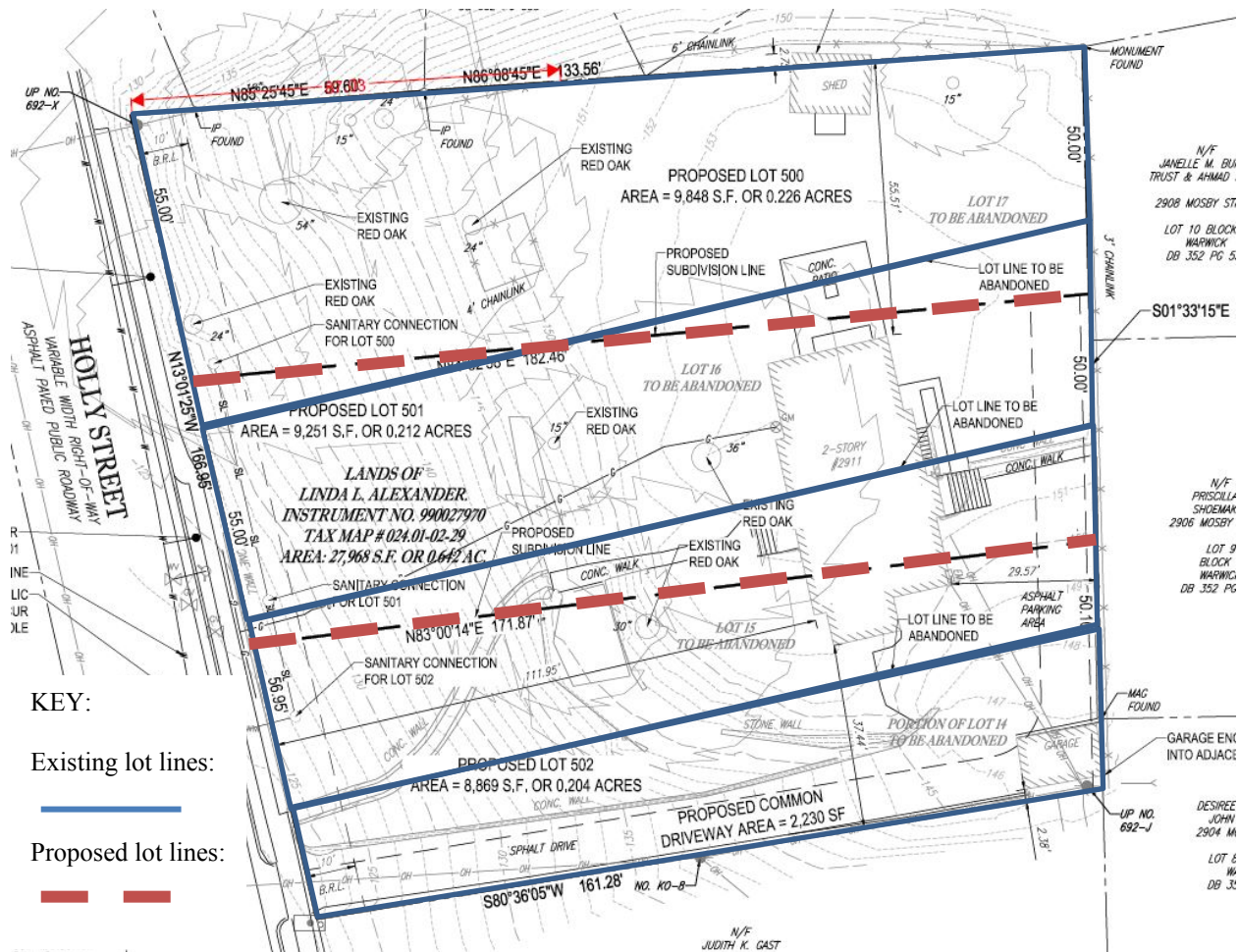
PROPOSAL

The applicant, Christian Cerria, requests approval to re-subdivide Lots 17, 16, 15 and partial Lot 14 as Lots 500, 501 and 502. The lot frontage, width and area would change for each subdivided lot. The frontage would be 55 feet for Lot 500, 55 feet for Lot 501 and 56.95 feet for Lot 502. The lot width, measured at the building line, would be 54.5 feet for Lots 500 and 501 and 56 feet for Lot 502. The area would be 9,848 square feet for Lot 500, 9,251 square feet for Lot 501 and 8,869 square feet for Lot 502 (Figure 3).

If the subdivision is approved the applicant would seek Development Special Use Permit (DSUP)

or Development Site Plan (DSP) approval to construct three single-family homes, one on each lot.

Each lot would comply with the lot frontage and area requirements of Sections 3-305(A) and Section 3-305(C) of the Zoning Ordinance. Given that the proposed width for each lot would not comply with Section 3-305(B) of the Zoning Ordinance, which requires a lot width of 65 feet, the applicant requests variations for lot widths. Lot 500 would need a variation of 10.5 feet to comply with the lot width requirements; Lot 501 would need a variation of 10.5 feet to comply with the lot width requirements; and Lot 502 would need a variation of nine feet to comply with the lot width requirement.



ZONING/ MASTER PLAN DESIGNATION

The property is located in the R-8/Single-Family zone. The analysis of the subdivision proposal and its compliance with single-family detached dwelling lot requirements, as established in Table 1 provides the lot configurations of the existing and proposed new lots as compared to the Zoning Ordinance requirements for lots in the R-8 zone. The lot characteristics for Proposed Lots 500,

501, and 502 would meet the minimum lot size requirements for single-family detached dwelling lots in terms of lot area and lot frontage. Lots 500 and 501 would have lot widths of 54.5 feet, and Lot 502 has an estimated lot width of 56 feet, based on an estimated block face analysis determining that the front setback for such lots would be 12 feet, which is the which is the closest front setback in the contextual block face. The three proposed lots fall below the minimum lot width requirement of 65 feet in the R-8 zone. Any future dwelling on each of the proposed lots would additionally need to comply with the residential infill regulations for single family dwellings, as required in Section 7-2500.

The property is located within the Potomac West Small Area Plan Chapter of the Alexandria Master Plan, which designates the property for uses consistent with the R-8 zone.

Table 1 – R-8 Zoning Requirements

	<i>Existing</i>				Minimum Required	<i>Proposed</i>		
	Lot 17	Lot 16	Lot 15	Portion of Lot 14		Lot 500	Lot 501	Lot 502
Lot Size Sq. ft.	9,330	7,162	6,835	4,403	8,000	9,848	9,251	8,869
Lot Frontage	64.45'	40	40	22.5'	40'	55'	55'	56.95'
Lot Width	156'				65'	54.5'	54.5'	56'
Front Yard Setback	111.95'				Contextual block face = 12'	12'	12'	12'
N Side Yard Setback	55.51'				1:2 ratio / 8' min.	TBD	TBD	TBD
S Side Yard Setback	37.44				1:2 ratio / 8' min.	TBD	TBD	TBD
Rear Yard Setback	29.57				1:1 ratio / 8' min.	TBD	TBD	TBD
FAR	0.09				0.35 max.	Up to 3,447 sq. ft. possible	Up to 3,238 sq. ft. possible	Up to 3,104 sq. ft. possible

SUBDIVISION STANDARDS

Several sections of the Zoning Ordinance establish the standards for subdivisions:

Sections 11-1706 and 11-1709 address technical subdivision requirements;
Section 11-1710(C) requires that the subdivision conform to the City Master Plan;
Section 11-1710(D) requires that all lots meet zone requirements;
Sections 11-1710(A) and (E) through (R) contain infrastructure requirements; and
Section 11-1710(B) states that subdivided lots “shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land in the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.” Subdivision plat documents or land in the same general location and zone with similar features may be used to determine neighborhood character.

As proposed Lots 500, 501 and 502 do not meet the R-8 zone requirements for lot width to accommodate a single-family detached dwelling as required by Section 11-1710(D), three variations are required to comply with the zone standards. Section 11-1713 provides standards for variation review. Criteria for variation review are established in Section 11-1713 (A):

- (i) a strict adherence to Section 11-1700 would result in substantial injustice;
- (ii) the use and character of the resulting lots or parcels in such a subdivision would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the immediate area; and
- (iii) one or more of the following special circumstances exists:
 - (1) Extremely rugged topography.
 - (2) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.
 - (3) Insufficient frontage on existing street where the interior of the tract can be served only by a street substandard in width when not serving more than five lots, provided the street is not less than 30 feet in width. If only a single lot is served, the width may be less than 30 feet. A turn around area may be required.
 - (4) Streets along border of the subdivision where the subdivision borders on unsubdivided land and the remaining street width will be provided from adjacent land.
 - (5) Re-subdivision of lots in subdivisions of record as of January 1, 1952, where, because of existing structures or gross area of land involved, the subdivided lots would not conform to all of the requirements of the zone in which the subdivision is located.

Section 11-1713 (B) defines "substantial injustice" as causing the applicant an unreasonable burden on the development, use and enjoyment of the property, outweighing the land use or land development purposes served by the specific zoning provision or provisions of this ordinance at issue with the strict application of zoning requirements.

As required by Section 11-1713(C), the applicant provides a justification for how Section 11-1713(A)(i-iii) applies to the subdivision proposal. The applicant states the variation for lot width at the proposed lots is justified as submitted:

1. 11-1713(A)(i)

Strict adherence to Section 3-305(B) would be a substantial injustice as out of 69 houses fronting Holly Street, 40 do not comply with the 65 foot lot width requirement in Section 3-305(B) of the City of Alexandria Zoning Ordinance. An overwhelming majority have a 50-foot lot width at the building line; therefore, the proposed lots would be more than two feet greater in width at the building line than the majority of lots fronting Holly Street. In addition, MacArthur Road runs perpendicular to Holly Street and according to the latest tax map, four out of the 10 houses fronting MacArthur Road do not comply with the 65-foot requirement in Section 3-305. An overwhelming majority have a 44-foot lot width at the building line as compared to the proposed lots which would have more than eight feet greater in width. At one point in time, four lots on the property were contemplated, Lots 17, 16, 15 and 14, as shown in attached Plat No. 3 Supplement of Groves Subdivision of Plat No. 1 Mount Ida. This plat illustrates the long-standing history of this neighborhood having longer and narrower lots of measuring 40-foot lot widths compared to the proposed lots which would have more than twelve feet greater in width at the building line. By not granting this variation, it would result in a substantial injustice and hardship for the property given the Proposed Lots reflect the use and character of the community generally the same size and shape as lots in the area.

2. 11-1713(A)(ii)

The area surrounding the proposed lots is developed with single-family detached homes in similar in size and style lots to the applicant's proposed lots. The proposed lots are in keeping with the surrounding neighborhood along Holly Street and MacArthur Road, providing a unique geometry of longer and narrower lots. The proposed lots exceed the minimum lot size requirement in Section 3-305(B) for a total of 8,000 square feet, including: 23% for proposed Lot 500; 15% for proposed Lot 501; and 10% by proposed Lot 502. The proposed lots also exceed the minimum lot frontage at the front lot line requirement in Section 3-305(B) of 40 feet by approximately fifteen feet, resulting in a 55-foot lot frontage for proposed Lots 500 and 501 and 56.95 feet for proposed Lot 502. The ample lot area and lot frontage of the proposed lots outweighs the lot width requirement at the building line per Section 3-305(B) of the City of Alexandria Zoning Ordinance, creating unreasonable burden on this development, as well as limiting the use and enjoyment of the property which is a substantial injustice

3. 11-1713(A)(iii)(I)

The proposed lots have extremely rugged topography: the apex of the proposed lots is nearly 30 feet, which is a substantial grade change compared to Holly Street elevation. The applicant is proposing to preserve the integrity of the topography by not developing individual driveways, but rather utilizing the single existing curb cut and proposing a common driveway to access the proposed lots and detached garages.

II. STAFF ANALYSIS

Staff recommends approval of the subdivision request for the creation of three lots at what is currently 2911 and 2915 Holly Street with one variation for lot width at each of the three proposed lots, Lots 500, 501 and 502. The proposal meets the standards of Section 11-1710(D) for single-family detached dwelling lot requirements in the R-8 zone with the exception of lot width for Lots 500, 501 and 502. Staff agrees with the applicant's justification for the granting of a variation for lot widths of 10.5 feet for Lot 500, 10.5 feet for Lot 501 and nine feet for Lot 502. Criteria for Section 11-1713(A)(i), (ii) and (iii)(1) are met. In addition to the applicant's justification for Section 11-1713, staff believes that a substantial injustice would be imposed on the applicant if a variation of 10.5 feet for Lots 500 and 501 and nine feet for Lot 502 would not be granted as it is relatively minor and 61% of interior lots, the similarly situated lots, in the original subdivision also do not comply with the lot width requirements for the R-8 Zone. In addition, staff finds that the proposal complies with the neighborhood character for lots required by Section 11-1710(B).

Neighborhood Character Analysis

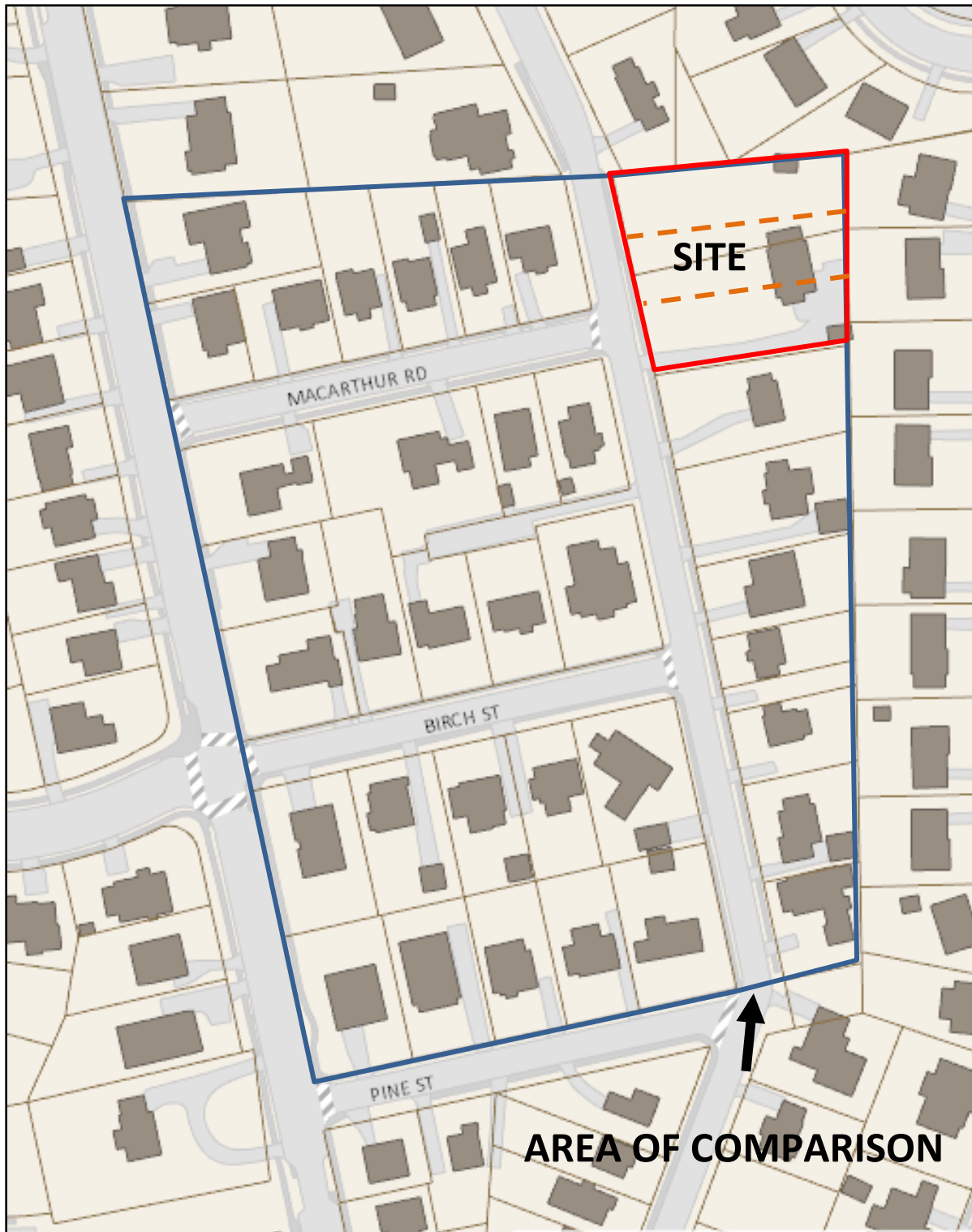
The original Groves subdivision is generally composed of rectangular lots with standard 40-foot widths, either 120-foot or 150.98-foot depths and lot areas of 4,800 square feet or 6,039.2 square feet. Trapezoidal lots are located on the eastern side of Holly Street with 40-foot frontages, lot depths ranging from 183.16 feet to 60.45 feet and lot areas ranging from 7,162.8 square feet to 2,581.6 square feet. Exceptions were sited in areas where angled streets began to diverge from the gridded street pattern and resulted in unconventionally shaped lots. Over time, the neighborhood has become defined with single family dwellings frequently constructed on combined, originally platted lots with a range of frontages from 40 feet to as much as 135 feet. Although the majority of existing lots comply with the Zoning Ordinance for frontage and area, 48% throughout the original subdivision are substandard in lot width.

Area of Comparison and Similarly Situated Lots

The staff review of the subdivision request includes an analysis of the proposed lots' characteristics as compared to similarly situated lots in the Groves subdivision and provides the basis for the recommendation of approval. The area of comparison consists of the original 1923 subdivision, excepting Lot 1 located at the end of Pine Street and addressed as 2801 Holly Street. This small unbuilt lot is associated with the adjacent property at 2715 Holly Street which is part of a different subdivision (Figure 4).

Although not specifically defined in the Zoning Ordinance, similarly situated lots are those that are within the same area of comparison that share the same siting, position, or location as the proposed lots. The proposed three lots are interior lots and are compared to 23 interior lots within the area of comparison that are developed with single-family dwellings (Figure 5). It is this group of lots that is considered most closely in the analysis to determine the level of similarity between the character of the proposed lots and the existing lot character.

Figure 4: Area of Comparison



Lot Analysis – Lot 500

In addition to complying with the R-8 Zoning Ordinance requirements for lot frontage and area, Proposed Lot 500 would be compatible with similarly situated lots as its lot characteristics would be altered only slightly. The area of the proposed lot would remain larger than 87% of similarly situated dwelling lots in the subdivision, and the proposed lot frontage is larger than 30% of similarly situated lots in the subdivision. The proposed lot width is less than that required by the R-8 zone and greater than 26% of similarly situated lots. This analysis evaluates the proposed lot compared to similarly situated lots as they currently exist within the subdivision as it has evolved over time.

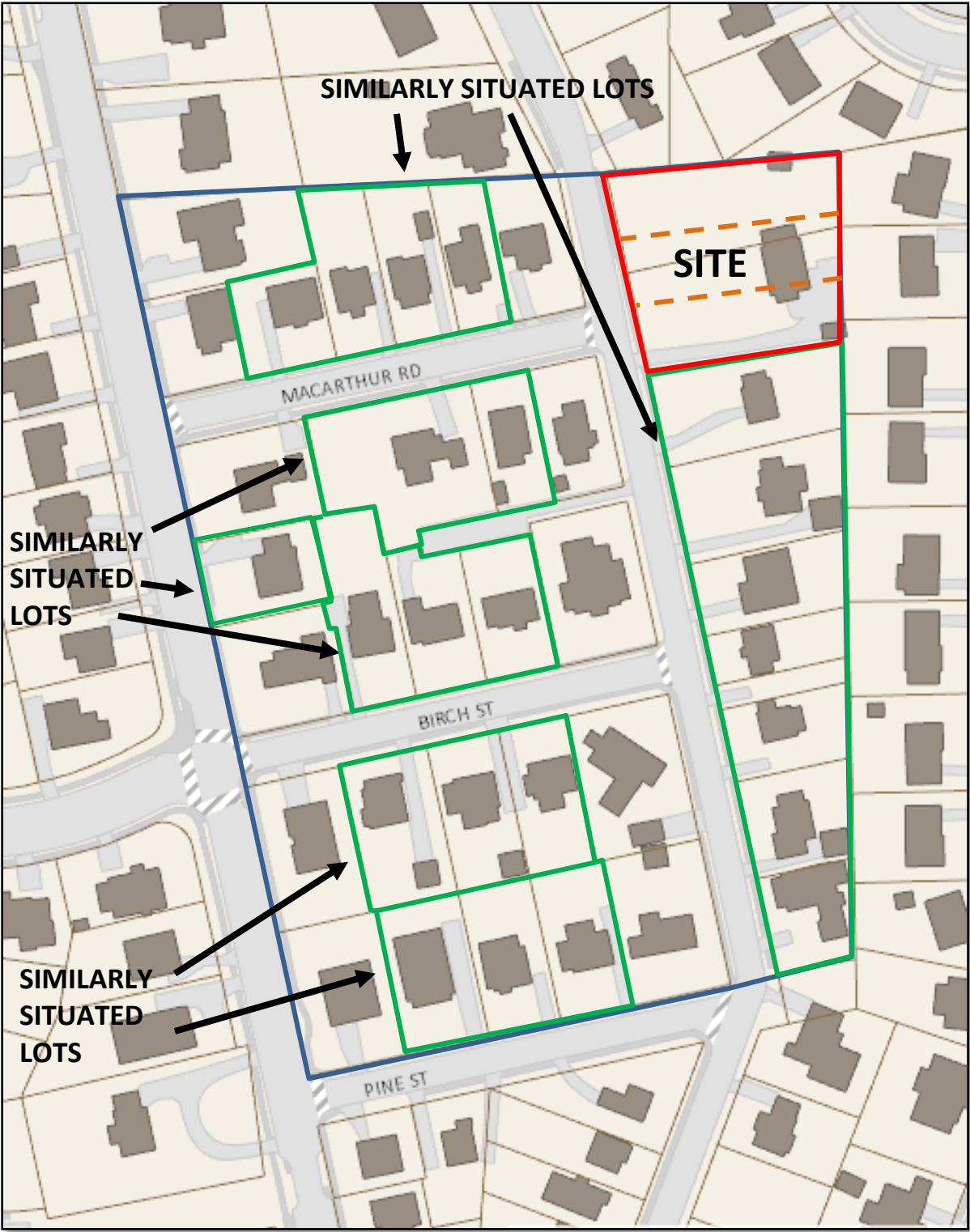
Lot Analysis – Lot 501

Proposed Lot 501 is slightly smaller but otherwise very similar to Lot 500 and exhibits the same lot characteristics. The area of the proposed lot would remain larger than 87% of similarly situated dwelling lots in the subdivision, the proposed lot frontage is larger than 30% of similarly situated lots in the subdivision, and the proposed lot width is greater than 26% of similarly situated lots.

Lot Analysis – Lot 502

Proposed Lot 502 is the smallest in lot area of the proposed lots, but still complies with the R-8 requirements for lot area and lot frontage. This lot has a slightly greater lot frontage than the other proposed lots. The area of the proposed lot would remain larger than 87% of similarly situated dwelling lots in the subdivision, the proposed lot frontage is larger than 30% of similarly situated lots in the subdivision, and the proposed lot width is greater than 30% of similarly situated lots.

Figure 5- Similarly-Situated Lots (to Proposed Lots 500-502)



Resident Comments

The Del Ray Citizens Association has been notified of the application. Staff has not received resident comments in reference to the proposed subdivision.

Conclusion

In summary, Proposed Lots 500, 501, and 502 adhere to all subdivision requirements and to the technical single-family detached lot standards of the R-8 zone with the approval of one variation for each lot as to lot width. Further, the lots are of substantially similar character as other similarly situated lots, as stipulated in the Zoning Ordinance. Staff additionally concurs with the applicant's justification. Strict adherence to Section 3-305 of the Zoning Ordinance would be a substantial injustice as 61% of similarly situated lots also do not comply with the lot width requirements of the R-8 Zone. Proposed Lots 500, 501 and-502 would be consistent with use provisions of the zone as the three lots could support a single-family dwelling, the primary use of other lots within the original subdivision. Lastly, the extreme rugged topography supports the substantial injustice justification by limiting the buildable area on the Proposed Lots.

Therefore, staff recommends approval of the request subject to the conditions contained in Section III of this report.

III. RECOMMENDED CONDITIONS

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

1. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements. (T&ES)
2. **CONDITION DELETED BY PLANNING COMMISSION:** ~~Provide agreement of shared driveway access between the proposed lots prior to release of the first grading plan for a new dwelling in this subdivision. (T&ES) (PC)~~
3. A tree inventory is required at the time of the DSP application to determine existing tree canopy and identify trees to be maintained. Tree canopy coverage on the developed site must meet the current canopy coverage, or canopy coverage required by ordinance, whichever is greater. (P&Z)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal Planner
Max Ewart, Urban Planner
William Cook, Urban Planner

Staff Note: This plat will expire 18 months from the date of approval (December 25, 2020) unless recorded sooner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Note if all easement are shown. (T&ES)
- F-2 Show the water and sanitary sewer in Holly Street in front of the proposed lots for connection purposes. Show the size of the existing lateral serving the site and verify how the proposed lots will be connected to the sanitary sewer. (T&ES)
- F-3 Show that Lot 3 is a developable lot taking into consideration the grade change. (T&ES)
- F-4 Provide the appropriate Approval Block on the plat. (T&ES)
- F-5 This plat is a resubdivision of those certain lots, (15,16,17, & portion of 14) of the Groves Subdivision of Mt. IDA.
The lot numbers should use the appropriate numbering sequence.
- In resubdivisions, the lots shall be numbered in the series of 500 for a first resubdivision, and in the series of 600 for a second resubdivision and so on.
Per Zoning Ordinance 11-1710 (J) (T&ES)
- F-6 The status of Resubdivision should be reflected in the title of the plat. (T&ES)
- R-1 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements. (T&ES)
- R-2 Provide agreement of shared driveway access between the proposed lots prior to release of the first grading plan for a new dwelling in this subdivision. (T&ES)
- C-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- C-2 On the final plat the lot lines to be abandoned shall be shown as a dotted line. Section 11-7106 (D) (9). (T&ES)
- C-3 Any future development/redevelopment on the subdivided lots shall comply with the requirements of City of Alexandria Zoning Ordinance Article XIII Environmental Management Ordinance and the relevant laws of the Commonwealth of Virginia and the City of Alexandria, as applicable, for storm water management regarding water quality improvement and quantity control at the time of submission of the first final plan. (T&ES)

- C-4 The development and redevelopment of the subdivided lots shall not adversely impact the storm water drainage or create a nuisance on the public and private properties. (Sec. 5-6-224) (T&ES)
- C-5 All secondary utilities serving the subdivided lots shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-6 A Grading Plan or Final Site Plan showing all improvements and alterations to the site shall be required prior to any land disturbing activities and must be approved prior to issuance of a building permit. (5-6-224) (T&ES)
- C-7 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet subject to the Exceptions described in Section 5-4-5. An erosion and sediment control bond shall be posted prior to release of the Grading Plan or Final Site Plan. (Sec.5-4-1.1) (T&ES)
- C-8 Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to Industry 05-14 that is available on the City of Alexandria's web site. The downspouts and sump pump discharges shall be piped to the storm sewer outfall, where applicable per the requirements of Article XIII of Alexandria Zoning Ordinance (AZO). 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)
- C-9 Pay sanitary sewer connection fee prior to release of Grading Plan or Final Site Plan. (Sec. 5-6-25) (T&ES)
- C-10. Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-361) (T&ES)

Code Enforcement:

- C-1 A building permit, plan review and inspections are required prior to the approval for moving a lot line.

Fire:

No comments received

Health:

No comments received

Recreation, Parks & Cultural Activities:

No comments received

Police Department:

No comments received

Archaeology:

F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.