

Docket Item # 3
BZA Case #2019-00016
Board of Zoning Appeals
January 13, 2020

ADDRESS: 310 COMMERCE STREET
ZONE: CD/COMMERCIAL DOWNTOWN
APPLICANT: THOMAS FOLEY AND LORI CRANDALL, OWNERS

ISSUE: Variance request to access parking from the street rather than an alley or interior court.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED VARIANCE
8-200(C)(5)(a)	Access to Parking	Alley or Interior Court	Street Access	Street Access

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

If the Board grants the requested variance, the applicant must comply with all requirements of this report’s department comments and the condition listed below. The variance must be recorded with the property’s deed in the City’s Land Records Office prior to the release of the Curb Cut approval.

Condition:

1. The proposed driveway must be constructed of permeable surface that is approved by the Board of Architectural Review.



2

I. Issue

The applicants propose to construct a non-required off-street parking space at 310 Commerce Street Bernard. The proposed parking would be in the front yard and accessed from Commerce Street.

II. Background

The subject property is one lot of record, rectangular in shape with an additional rectangular portion angled off toward the southwest at the back portion of the lot.

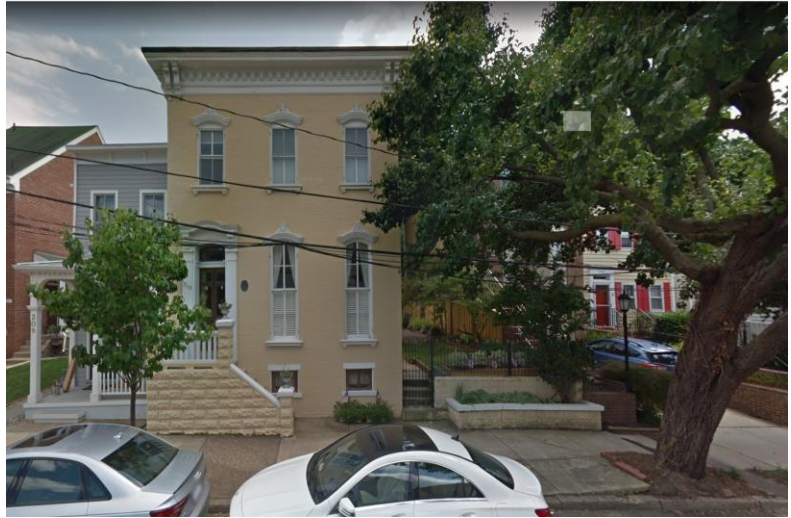


Image 1- Subject Property

The subject property has 40.00 feet of frontage along Commerce Street, 84.02 feet of depth along the east property line on the front portion and 46.24 feet on the rear angled portion of the property. Along the west property line, there is 78.44 feet of depth on the front portion and 29.25 feet on the rear angled portion of the lot and 23.42 feet along the rear property line to the south. The property contains 4,246 square feet of lot area and complies with the CD zone's minimum lot size, width and frontage.

The property is currently developed with a two-story single-family dwelling unit located 1.30 feet from the front property line facing Commerce Street, 0.20 feet from the east side property line, 16.60 feet from the west property line and 48.00 feet from the rear property line. According to Real Estate Assessment and Historic Preservation records, the two story, three bay Italianate Victorian style masonry dwelling was constructed in the early 1800's. The subject property is located within the Old and Historic Alexandria District (OHAD) and has a plaque from the Historic Alexandria Foundation as it is a designated 100-year old building. The "lot with building" sold by Sara M. Tuttle to J.B. Johnson on September 10, 1883 likely references this structure. The side garden has been associated with this dwelling since it was constructed and is a character defining feature of the parcel.

In 1994, the Zoning Ordinance was amended to prohibit access to parking from a public street by amending the Zoning Ordinance to add section 8-200(C)(5)(a) which requires off-street parking in the Old and Historic Alexandria District to be accessed from an interior court.

On August 21, 2019, an application for a new curb cut was received by the Department of Transportation and Environmental Service (T&ES). Subsequently, on October 4, 2019, the Department of Planning and Zoning recommend denial of the application for a new curb in the front yard accessed from Commerce Street because the Zoning Ordinance requires parking to be accessed from an alley or interior court for properties located within the OHAD.

Table 1. Zoning Table

CD Zone	Requirement	Existing	Proposed
Lot Area	1,452 sq. ft.	4,246 sq. ft.	4,246 sq. ft.
Lot Width	25.00 ft.	40.00 ft.	40.00 ft.
Lot Frontage	25.00 ft.	40.00 ft.	40.00 ft.
Front Yard	0.00 ft.	1.30 ft.	1.30 ft.
Side Yard (East)	5.00 ft.	0.30 ft.	0.30 ft.
Side Yard (West)	5.00 ft.	16.60 ft.	16.60 ft.
Rear Yard	8.00 ft.	48.00 ft.	48.00 ft.
Open Space	1,486.1 sq. ft.	2,216.38 sq. ft.	1,867.78 sq. ft.

III. Description

The applicants propose to construct a non-required off-street parking space accessed from Commerce Street (a public street). Parking is not required for subject property because the house was constructed prior to off-street parking requirements. The proposed parking area located at the front of the property to the west of the building would measure 16.60 feet by 21.00 feet for a total of 348.60 square feet.

IV. Applicant's Justification for Variance

The applicants state that strict application of section 8-200(C)(5)(a) prevents the reasonable use of the property due to the fact that they cannot access parking from an alley. In addition, the number of vehicles and the demand for parking on Commerce Street has increased, making finding parking on the street difficult and inhibiting the restoration and upkeep of the home.

V. Master Plan/Zoning

The subject property is currently zoned CD, Commercial and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and is identified in Old Town Small Area Plan.

VI. Requested Variance

8-200(C)(5)(a) Access to Parking

The applicants request a variance to provide access to non-required off-street parking from Commerce Street. Access to all parking for properties located within the boundaries of OHAD must be from an alley or interior court.

VII. 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.

Allowing non-required off-street parking from the public street is not a reasonable deviation because the Zoning Ordinance requires that property in the OHAD provide required off-street parking from an alley or interior court and allowing it here would undermine this particular provision especially since there is no requirement to provide off-street parking at this property.

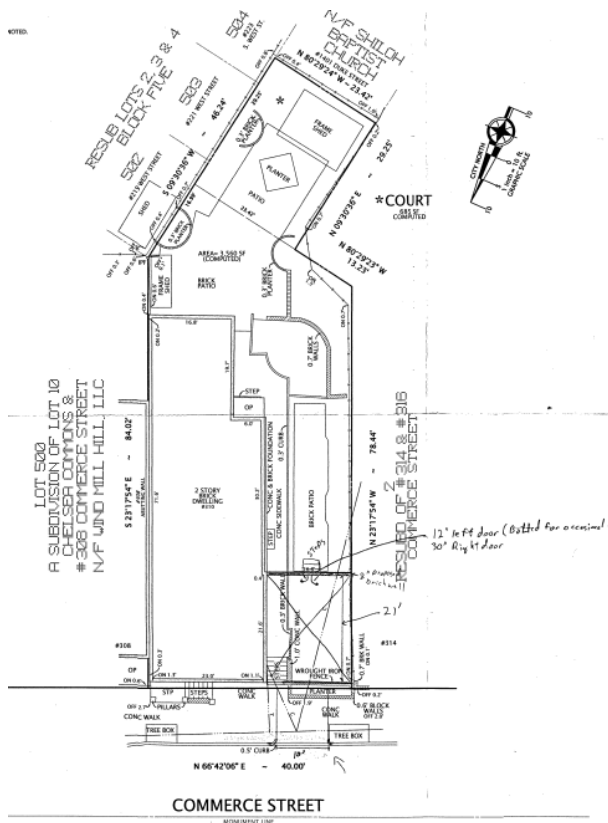


Image 2- Subject Property Plat

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 because the property has been used as residential single-family dwelling without off-street parking since the 1800s. Further, there is no requirement to provide off-street parking for this property.

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

The neighborhood has a mixture of commercial and residential uses, some with off-street parking and some without. The residential properties on the south side of the block that were constructed in the 1960's, 70's and 80's when the Zoning Ordinance did not require access to parking from an interior alley or court were all constructed with the parking in the front yard, accessed from Commerce Street, without the need to seek relief from the BZA. Most of the older dwellings on the south side of the block either do not provide off-street parking or a few have access to parking from a rear alley at the southwest end of the block. While many properties in the OHAD have access to parking from an alley or interior, many do not. The need for this variance would be shared by all properties in OHAD that cannot provide access to parking from an interior alley or court.



Image 3 - Development Pattern of Neighborhood

- d. The variance is not contrary to the purpose of the ordinance.

The requested variance is contrary to the purpose of the ordinance. Section 8-200(C)(5)(a) of the Zoning Ordinance is intended to protect the historic character of OHAD by minimizing curb cuts and vehicular access to parking from the front of properties by requiring access via an alley or interior court.

In addition to being contrary to the Zoning Ordinance, Design Guidelines for the Old and Historic Alexandria District chapter on Parking, “In many sections of the historic districts, individual driveways in the front of residential properties are not desirable because the automobiles parked in the front yards create a visual intrusion and disrupt the scale, rhythm and unity of the architecture.” It is the opinion of BAR staff that the creation of the proposed access to parking and the parking of an automobile in historic open space will both disrupt the streetscape of Commerce Street and adversely affect the visual open space of the lot.

As also stated in the Design Guidelines chapter on Parking, “Parking lots should be screened and landscaped so that they do not create a visual disruption of the streetscape while being consistent with safety requirements.” “The creation of a driveway or parking area usually involves the erection of a gate and wall or fence to delineate the parking area or driveway.” In this case, the size and scale of the necessary garden wall would become a substantial architectural element that may detract from the architecture of the house. The Design Guidelines also state that “The Boards have become increasingly concerned about inappropriate and excessive paving of open space within the historic districts and inappropriate at-grade materials which detract from the historic character of the districts.”

- 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. The property will continue to be used as residential single-family dwelling.

VIII. 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.

The variance would not alleviate a hardship due to a physical condition relating to the property. While the lot is irregularly shaped, there is no off-street parking requirement for this property.



Image 4 - Existing Conditions

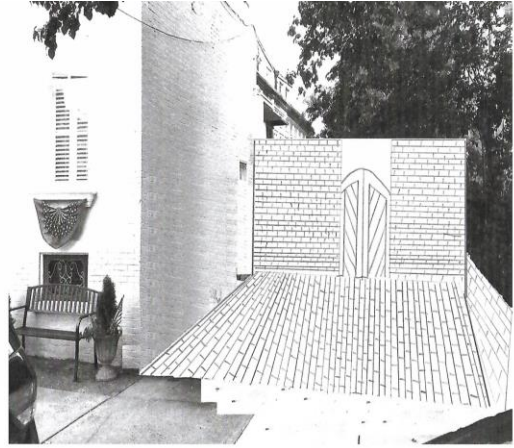


Image 5 - Proposed Driveway

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 in good faith, however, their desire to have off-street parking creates the need for the requested variance.

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.

The proposed variance will have potential impacts to the adjacent property at 314 Commerce Street which is developed with a three-story townhouse located 3.00 feet from the property line. The significant grading, paving and a retaining wall between the properties could potentially negatively impact the adjacent building, stairs, retaining walls and fence on the neighbor's property that are located along the shared property line.

The construction of the curb cut will potentially destabilize and kill the adjacent mature and healthy Callery Pear street tree. The City Arborist recommends the curb cut should not be considered while current tree occupies that tree well. In addition to the negative impact on the street tree, according to the Virginia American Water Company, the existing water line and meter would need to be relocated at the expense of the property owner to ensure that it is not located within the driveway apron.



Image 6- Callery Pear Tree and Ground Water Meter

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.

This property is one of the larger parcels on this block. Unlike smaller properties it has the capacity to accommodate parking and still meet the required open space. However, the requirement to provide access to parking from an interior alley or court applies to all properties located within the OHAD. Any property without access from an alley or interior court will need to request a variance to provide access to parking from the street.

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 will not change the use or zoning of the residential property.

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.

Relief from the requirement to provide access to parking from alley or interior court for properties located within the OHAD can only be achieved by requesting a variance from the Board of Zoning Appeals.

IX. Staff Conclusion

As outlined above, staff **recommends denial** of the requested variance to provide access to non-required parking from Commerce Street.

Staff:

Marlo Ford, AICP, Urban Planner, marlo.ford@alexandriava.gov

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

Tony LaColla, AICP, Land Use Division Chief, anthony.lacolla@alexandriava.gov

DEPARTMENTAL COMMENTS

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

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

Historic Preservation:

- F-1 The two story, three bay Italianate Victorian style masonry dwelling is located within the Old and Historic Alexandria District and has a plaque from the Historic Alexandria Foundation. The “lot with building” sold by Saura M Tuttle to J.B. Johnson on September 10, 1883 likely references this structure. The side garden has been associated with this dwelling since it was constructed and is a character defining feature of the parcel.
- F-2 The BZA application indicates many alterations that have been made to the property without BAR approval. The applicant must request after-the-fact BAR approval of these alterations. It is possible that some alterations or repairs may be approved administratively by staff.
- R-1 The low retaining wall/planter and open iron fence may be original to the period of significance of the dwelling. If so, the BAR staff will recommend denial of a Permit to Demolish these features.
- R-2 As stated in the BAR’s Design Guidelines for the Old and Historic Alexandria District chapter on Parking, “In many sections of the historic districts, individual driveways in the front of residential properties are not desirable because the automobiles parked in the front yards create a visual intrusion and disrupt the scale, rhythm and unity of the architecture.” It is the opinion of BAR staff that the creation of the proposed curb cut and the parking of an automobile in historic open space will both disrupt the streetscape of Commerce Street and adversely affect the visual open space of the lot.
- R-3 As also stated in the Design Guidelines chapter on Parking, “Parking lots should be screened and landscaped so that they do not create a visual disruption of the streetscape while being consistent with safety requirements.” “The creation of a driveway or parking area usually involves the erection of a gate and wall or fence to delineate the parking area or driveway.” In this case, the size and scale of the necessary garden wall would become a substantial architectural element that may detract from the architecture of the house. The Design Guidelines also state that “The Boards have become increasingly concerned about inappropriate and excessive paving of open space within the historic districts and inappropriate at-grade materials which detract from the historic character of the districts.” For these reasons BAR staff recommends denial of the BZA application.

- C-1 Demolition of more than 25 square feet of roof or wall area requires a permit to demolish from the Board of Architectural Review (BAR). Exterior alterations visible from a public way require a separate Certificate of Appropriateness from the BAR. Paving associated with parking requires approval of a Certificate of Appropriateness from the BAR at a public hearing.

Code Administration:

No comments received.

Recreation (City Arborist):

- F-1. Construction of curb cut may kill and potentially destabilize adjacent tree.
- F-2. Impacted tree is a 26" dbh Callery pear in good health.
- R-1. Do not install curb cut while current tree occupies tree pit.

Historic Alexandria (Archaeology):

- F-1. The dwelling standing on the lot may date to the early nineteenth century. The property therefore has the potential to yield archaeological resources which could provide insight into life in Alexandria during the nineteenth century.
- R-1. The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2. The applicant/developer shall not allow any metal detection or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-3. The statements in archaeology conditions above marked with an asterisk "*" shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

Transportation and Environmental Services

- R-1. Grading Plan approval is required due to the alteration of existing grade by more than 1' (T&ES)
- R-2. The building permit must be approved and issued prior to the issuance of any permit for demolition, if a separate demolition permit is required. (T&ES)

- R-3. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-4. 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)
- R-5. The existing water meter shall be relocated outside of the proposed driveway. The owner would be responsible for the construction cost to relocate the water meter. The construction cost will need to be coordinated with Virginia American Water. (VAWC)
- F-1. A released grading plan is required prior to submitting for building permits. (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. All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-4. Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-5. 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)
- C-6. Obtain curb cut approval (Sec. 5-2-14)(T&ES)



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

Section of zoning ordinance from which request for variance is made:

8-200(C) (5) (a) Curb Cut

PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name Timothy Foley & Lori Crandall

Address 310 Commerce Street, Alexandria VA 22314

Daytime Phone 571-557-7316

Email Address foleytd@yahoo.com

2. Property Location 310 Commerce Street

3. Assessment Map # 074 Block 01 Lot 12 Zone CD

4. Legal Property Owner Name FOLEY TIMOTHY DAVID CRANDALL LORI DARLENE

Address 310 Commerce Street Alexandria VA 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 Timothy Foley	310 Commerce St	50%
² Lori Crandall	310 Commerce St	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (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 Timothy Foley	310 Commerce St	50%
² Lori Crandall	310 Commerce St	50%
3.		

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
¹ Timothy Foley	N/A	N/A
² Lori Crandall	N/A	N/A
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.

5. Describe request briefly:

Requesting a variance from the ordinance that restricts the addition of a curb cut in the historic district of Alexandria VA.

Variance request to access parking from Commerce street rather than an alley or interior court.

seeking approval for a driveway in the 16 foot side yard at 310 Commerce Street.

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 section 8-200(C)(5)(a) prevents the reasonable use of the property due to the lack of access to the property from an alley.

The home has been used as a residence without parking for perhaps more than 200 years, but when the home was constructed automobiles did not exist and when vehicles started to exist the density of vehicles was not an issue. As density of vehicles has dramatically increased over the past 30-40 years the need for parking at this home is now realized. And the lack of access is preventing a reasonable use of this property similar to many other neighbors on Commerce St. that currently have curb cuts.

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

Variance would allow a curb cut and create the opportunity to create vehicle access and parking on the property.

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.

It's relatively unique. 308 commerce street, adjacent to 310 commerce street, also does not have alley access or any off street parking, but 308 commerce street has significantly less square footage and would likely require a number of complex remedies to put a driveway in. All other properties appear to have a driveway or alley access. Many properties on Commerce Street already have curb cuts with driveways. Some homes use alley access to create parking behind their property. There are many properties on Prince Street and West Street That use Commerce Street as the alley and have curb cuts to create parking.

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

I'm not entirely certain, but walking around the historic district it seems that many homes generally have alley or court access from the rear of the lot. Commerce Street is a little unique in the historic district and it seems that perhaps Commerce Street was originally in place of the alley that exists in most other blocks.

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

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

3. No, the restriction was not caused by the applicant.

3.A. Yes, the condition has existed since the property was purchased.

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

We did not know of the ordinance when purchasing the property. We saw that the street already had a number of curb cuts figured that there would be a process to go through to get one but that it would not be impossible to do so. But we where told by the neighbors that parking was not an issue so we didn't think about it a lot when buying the home.

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

The lack of alley access has been the same for a long period of time. The density of vehicles and the demand for parking on commerce street has significantly increase in the past two years. There is a hardship outlined in an additional document, attached, that outlines some types of hardship where the lack of parking is creating problems with the restoration and upkeep of the home. These issues have become more apparent in the past year.

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

No

- 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.**

Creating a curb cut and driveway will take a vehicle off the street. Each vehicle takes 15 feet or more to park on the street. Currently we have two cars on the street, one is there almost all the time. The driveway will reduce curb space required for one of our cars from 15 feet to 10 feet, creating more space for the other residents. This variance will not be detrimental.

- 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 I have shown the neighbors on either side the plans. I have not shown the plans to the neighbors on West street or Duke Street.

Statements are submitted through the original curb cut process. The City has those records.

- 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.**

1) Attempted contact with the Shiloh Baptist Church to ask about long term parking rental. No response to written letters

Note: I did speak with a church member and she told me that the church needed more parking as well and that's likely why I did not get a response.

2) Researched deeds at the court house to see if there was any reference to an easement or access to the "court". Found no reference.

3) Attended many meetings with the Residential Permit Parking Refresh meetings run by Katye North to attempt to effect positive changes and improve the residential parking situation in my area. The out come was that parking changes were made east of Washington Street but the West side of old town was left the same

4) I petitioned to get the hours of parking enforcement on the 300 block of Commerce changed with some success. The hours were extended, with some minor positive effect to the parking problems. i.e. more tickets were issued but it has not prevented commuters and business patrons from using the parking.

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

There are many curb cuts on Commerce and adding one more would not be out of character with the street Prince Street uses Commerce street as there alley, to include back entrances and parking lots with dumpsters There is no other apparent remedy.

There is very limited parking on Commerce Street because it is not wide enough to allow for parking on both sides and there are a lot of existing curb cuts, and the loop at the end of commerce is a loading zone for a school on Duke Street.

There is other information about how the lack of parking is impacting life and creating hardship in a presentation attached

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: Timothy Foley

Date: 11/22/19

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 314 COMMERCE ST 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.



Department of Planning and Zoning Floor Area Ratio and Open Space Calculations for Single and Two-Family Residential Outside Historic Districts

A

A. Property Information

A1. 310 Commerce Street, Alexandria VA 22314
Street Address

R-20
Zone

A2. 4,246.00
Total Lot Area

X 1.25
Floor Area Ratio Allowed by Zone

= 5,307.50
Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area

Basement 483.00
First Floor 1,402.00
Second Floor 1,402.00
Third Floor 0.00
Attic 0.00
Porches
Balcony/Deck
Garage
Other***

Allowable Exclusions**

Basement** 483.00
Stairways** 93.40
Mechanical** 382.50
Attic less than 7***
Porches**
Balcony/Deck**
Garage**
Other***
Other***

B1. Total Gross 3,287.00

B2. Total Exclusions 958.90

B1. 3,287.00 Sq. Ft.

Existing Gross Floor Area*

B2. 958.90 Sq. Ft.

Allowable Floor Exclusions**

B3. 2,328.10 Sq. Ft.

Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Comments for Existing Gross Floor Area

C. Proposed Gross Floor Area

Proposed Gross Area

Basement 0.00
First Floor 0.00
Second Floor 0.00
Third Floor
Attic
Porches
Balcony/Deck
Garage
Other***

Allowable Exclusions**

Basement** 0.00
Stairways** 0.00
Mechanical** 0.00
Attic less than 7***
Porches**
Balcony/Deck**
Garage**
Other***
Other***

C1. Total Gross 0.00

C2. Total Exclusions 0.00

C1. 0.00 Sq. Ft.

Proposed Gross Floor Area*

C2. 0.00 Sq. Ft.

Allowable Floor Exclusions**

C3. 0.00 Sq. Ft.

Proposed Floor Area Minus Exclusions
(subtract C2 from C1)

Notes

*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof of a lot measured from exterior walls.

** Refer to the Zoning Ordinance (Section 2-145(A)) and consult with Zoning Staff for information regarding allowable exclusions. Sections may also be required for some exclusions.

*** Refer to the Zoning Ordinance (Section 2-145(A)) and consult with Zoning Staff for additional allowable exclusions. Additional exclusions may include space under balconies, retractable awnings, etc.

D. Total Floor Area

D1. 2,328.10 Sq. Ft.
Total Floor Area (add B3 and C3)

D2. 5,307.50 Sq. Ft.
Total Floor Area Allowed
by Zone (A2)

E. Open Space (RA & RB Zones)

E1. 2,408.20 Sq. Ft.
Existing Open Space

E2. Sq. Ft.
Required Open Space

E3. 2,064.20 Sq. Ft.
Proposed Open Space

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

Signature: _____

Date: _____

11/22/19



Department of Planning and Zoning Floor Area Ratio and Open Space Calculations

B

A. Property Information

A1. 310 Commerce Street, Alexandria VA 22314
Street Address

CL
Zone

A2. 4,246.00 x 1.25 = 5,307.50
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area

Basement 483.00
First Floor 1,402.00
Second Floor 1,402.00
Third Floor 0.00
Attic 0.00
Porches
Balcony/Deck
Lavatory***
Other**

Allowable Exclusions**

Basement** 483.00
Stairways** 93.40
Mechanical** 382.50
Attic less than 7***
Porches**
Balcony/Deck**
Lavatory***
Other**
Other**

B1. 3,287.00 Sq. Ft.
Existing Gross Floor Area*
B2. 958.90 Sq. Ft.
Allowable Floor Exclusions**
B3. 2,328.10 Sq. Ft.
Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Comments for Existing Gross Floor Area

B1. **Total Gross** 3,287.00 B2. **Total Exclusions** 958.90

C. Proposed Gross Floor Area

Proposed Gross Area

Basement 0.00
First Floor 0.00
Second Floor 0.00
Third Floor
Attic
Porches
Balcony/Deck
Lavatory***
Other

Allowable Exclusions**

Basement** 0.00
Stairways** 0.00
Mechanical** 0.00
Attic less than 7***
Porches**
Balcony/Deck**
Lavatory***
Other**
Other**

C1. 0.00 Sq. Ft.
Proposed Gross Floor Area*
C2. 0.00 Sq. Ft.
Allowable Floor Exclusions**
C3. 0.00 Sq. Ft.
Proposed Floor Area Minus Exclusions
(subtract C2 from C1)

Notes

*Gross floor area is the sum of all areas under roof of a lot 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. Sections may also be required for some exclusions.

***Lavatories may be excluded up to a maximum of 50 square feet, per lavatory. The maximum total of excludable area for lavatories shall be no greater than 10% of gross floor area.

D. Total Floor Area

D1. 2,328.10 Sq. Ft.
Total Floor Area (add B3 and C3)
D2. 5,307.50 Sq. Ft.
Total Floor Area Allowed by Zone (A2)

E. Open Space (RA & RB Zones)

E1. 2,408.20 Sq. Ft.
Existing Open Space
E2. Sq. Ft.
Required Open Space
E3. 2,064.20 Sq. Ft.
Proposed Open Space

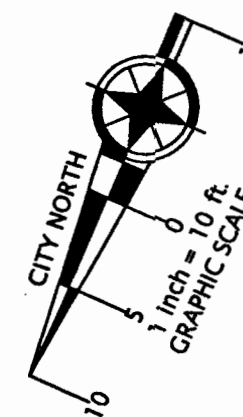
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.


Signature: _____

Date: _____

11/22/19

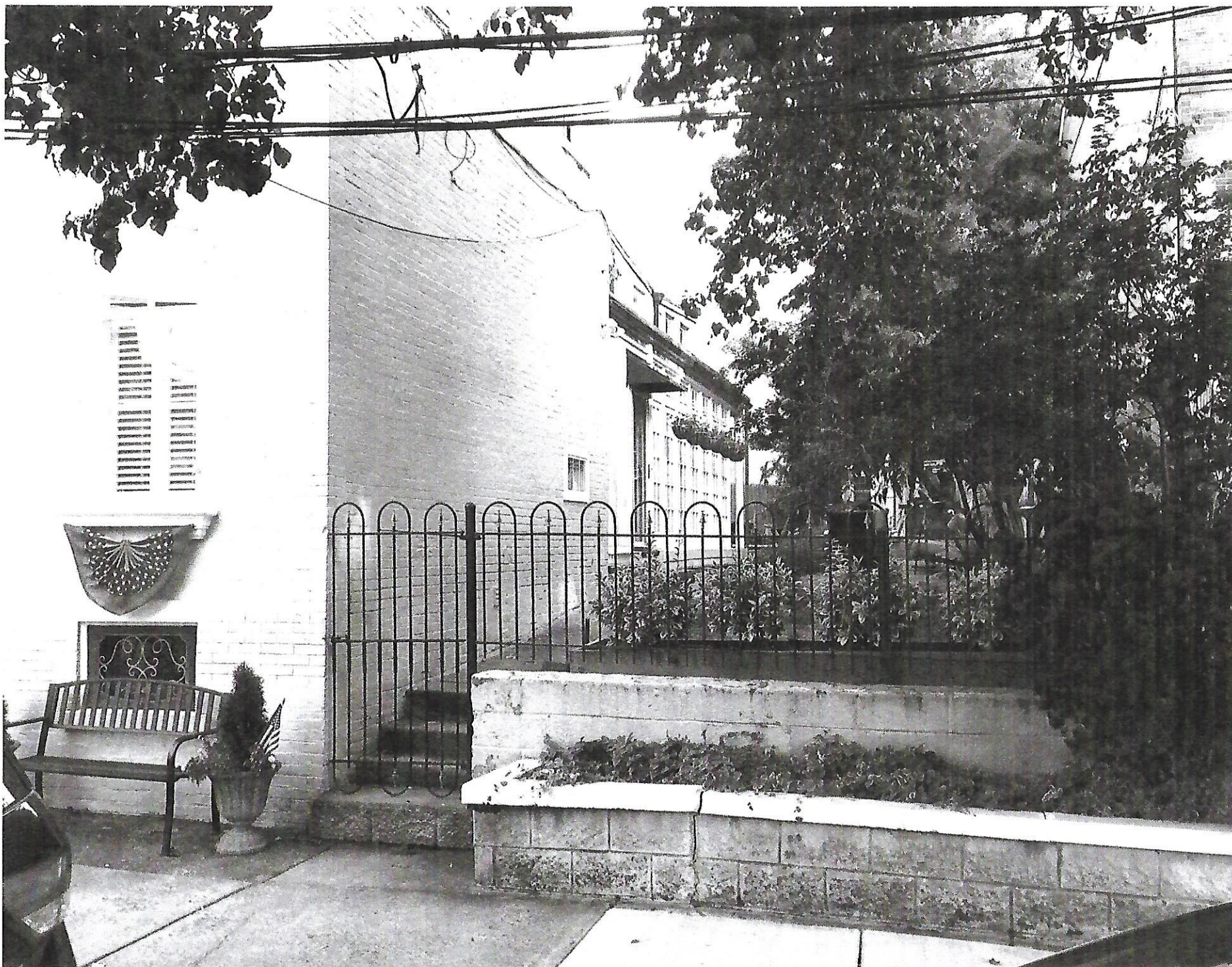
- [illegible]



<p>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:</p>	<p>COMMONWEALTH OF VIRGINIA 10/24/2017 GEORGE M. O'QUINN LICENSE NO. 2069 <i>George M. O'Quinn</i></p>	<p>Ordered by: Monarch TITLE, INC. 675 N. Washington Street Suite 435 Alexandria, Virginia 22314 703-852-7700</p>
<p>THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.</p>		<p> DOMINION Surveyors Inc. 8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412</p>

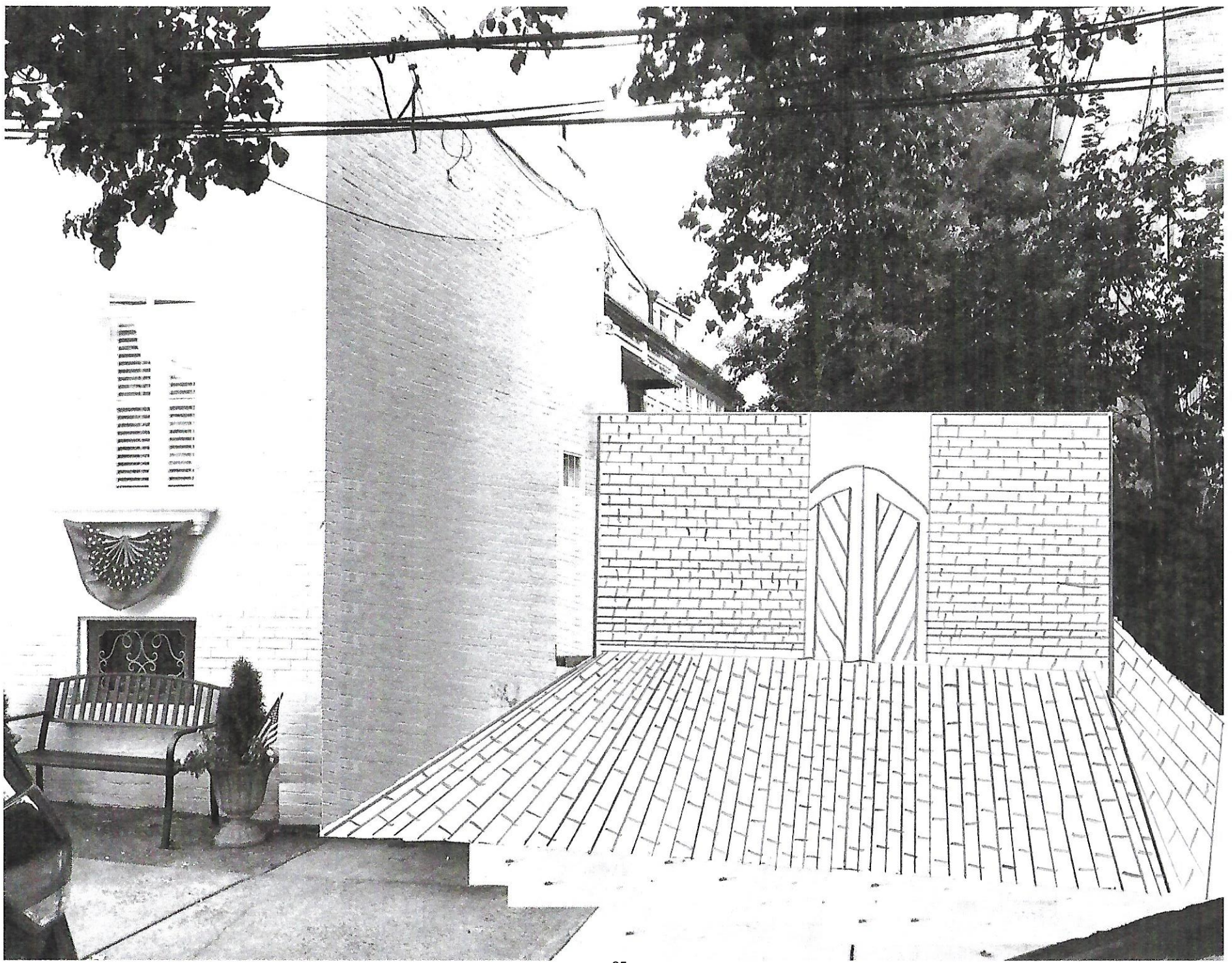
310 Commerce St, Alexandria VA

Tim Foley 703-725-8408



310 Commerce St, Alexandria VA

Tim Foley 703 725 8408 foleytdc@yahoo.com



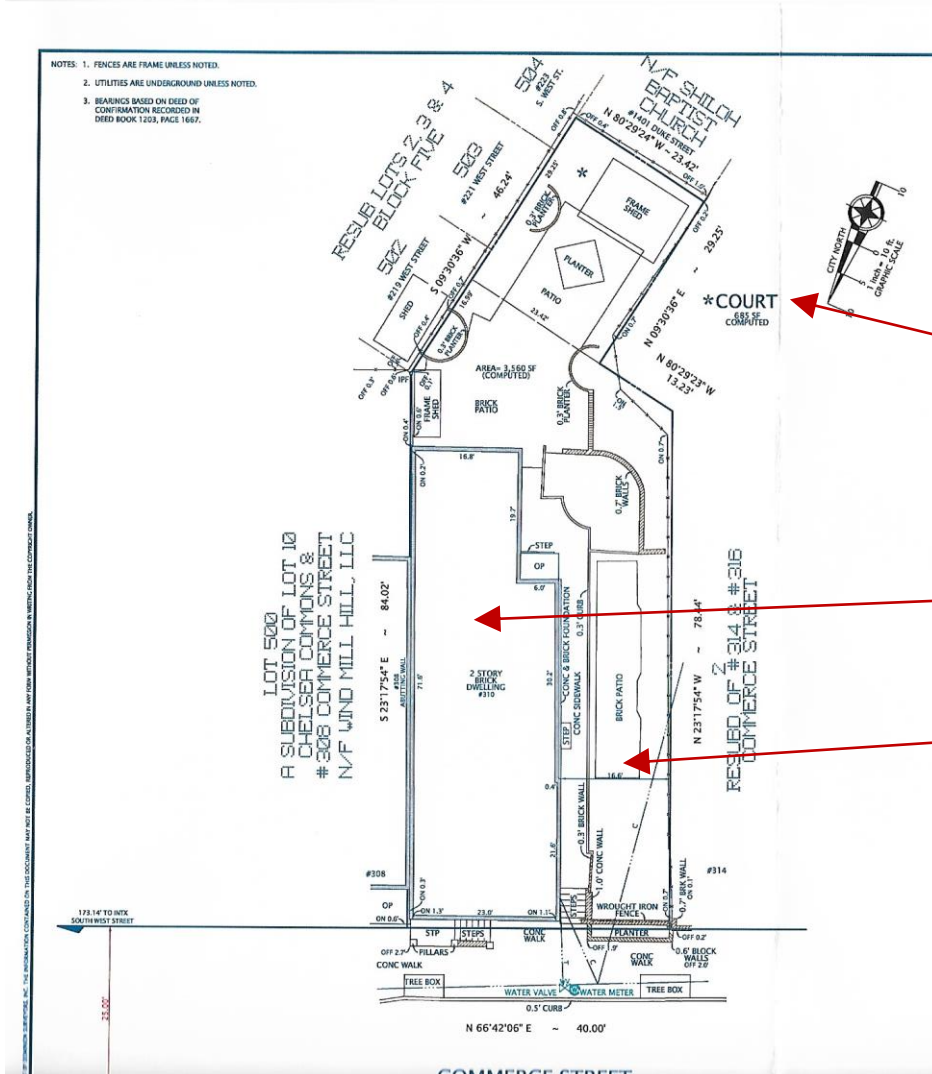
Application for Variance

8-200(C) (5) (a) Curb Cut

310 Commerce St



LEGAL DESCRIPTION: LOT 310-312 COMMERCE ST & COURT

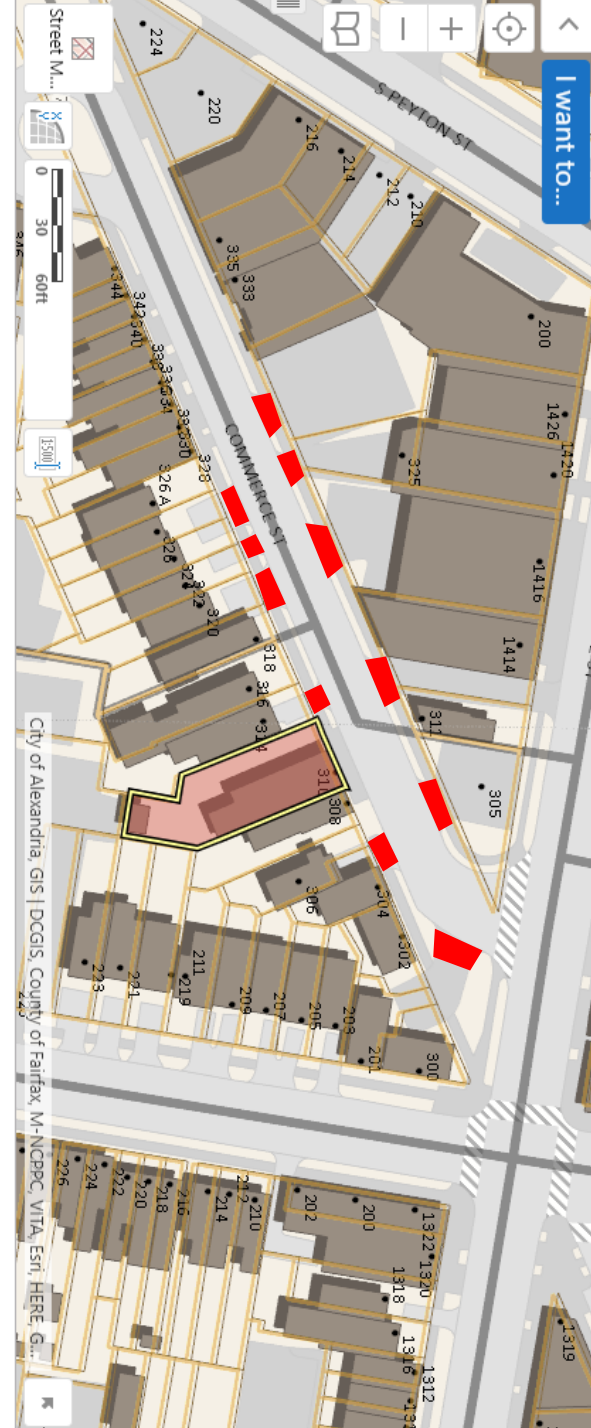


310 Commerce Street is made up of three sections of property

1) An interior court **Note:** Although it might seem like access is provided through the court, the court is completely surrounded by other properties. This is seen in the following slides. Perhaps at one point in time there was access through this court but that no longer exists.

2) 310 Commerce street lot

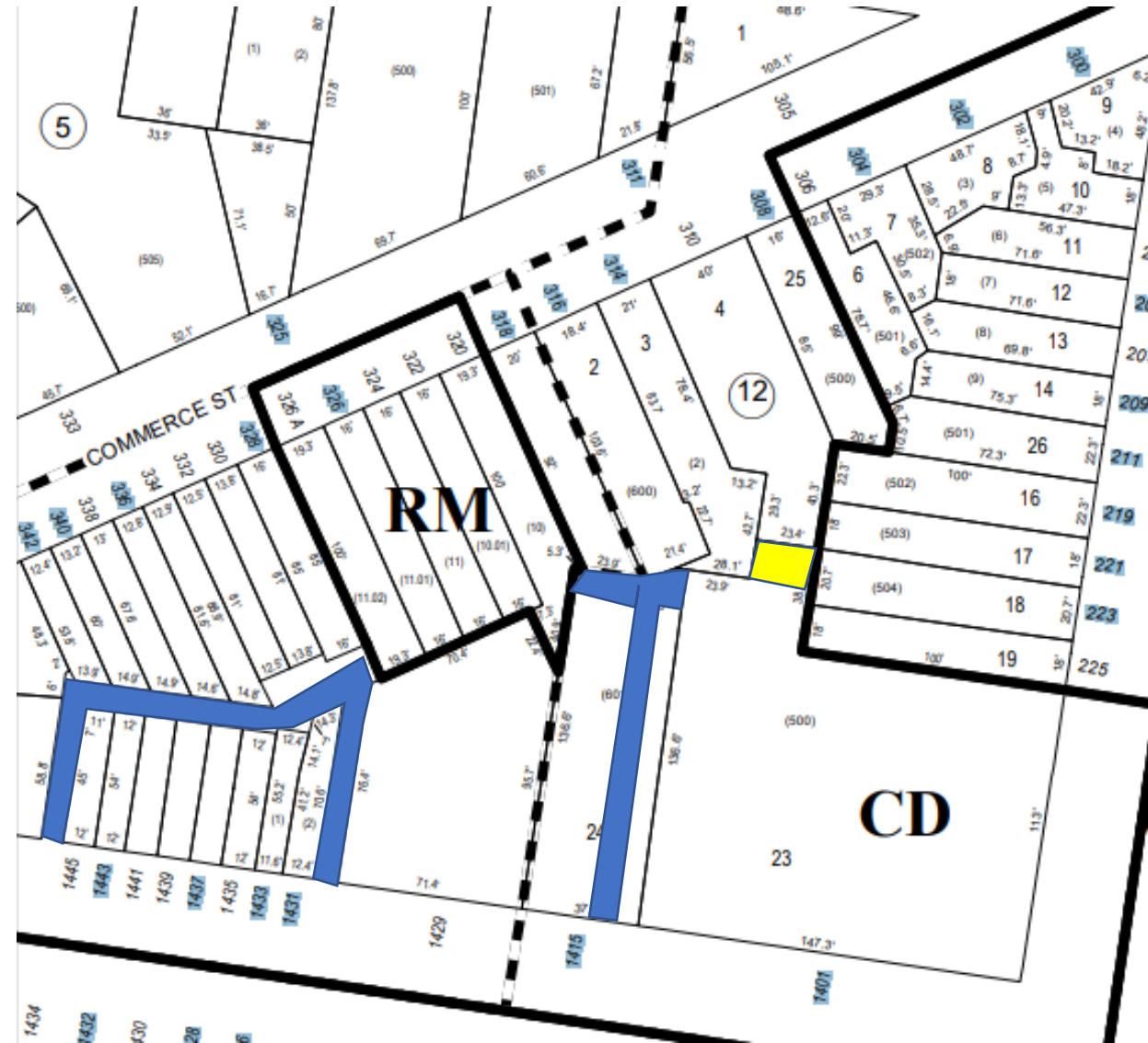
3) 312 Commerce street lot



1) Existing curb cuts (in red) on the 300 Block of Commerce street. Some represent parking for homes on West street. Adding another curb cut would not be out of character with the street.

2. Most homes without curb cuts have alley access, shown in blue.

3. 310 Commerce street might have had access at one point but the Shiloh Baptist Church owns the property directly behind the 310 Commerce street court and has not responded to letters. It is currently used as a parking lot, in yellow.



The home was purchased in November 2016.

The real-estate agent insisted that parking was never a problem and that the lack of off street parking would be a “non-issue”. We spoke to several neighbors who all said that generally parking is available in front of the home.

After we moved in, parking was not too bad but shortly after moving in there were changes to several businesses along Prince Street that now attract clients seeking the 2-hour free parking. There are several homes that have sold with new owners moving in with additional vehicles. There is just not enough parking on the street.

Remedies attempted:

- 1) Attempted contact with the Shiloh Baptist Church to ask about long term parking rental. No response to written letters.
 - I did speak with the church member and she told me that the church needed more parking as well and that's likely why I did not get a response.
- 2) Researched deeds at the Court House to see if there was any reference to an easement or access to the "court". Found no reference.
- 3) Attended many meetings with the Residential Permit Parking Refresh meetings run by Katye North to attempt to effect positive changes and improve the residential parking situation in my area. The outcome was that parking changes were made east of Washington Street but the West side of Old Town was left the same.
- 4) I petitioned to get the hours of parking enforcement on the 300 block of Commerce changed with some success. The hours were extended, with some minor positive effects to the parking problems. i.e. more tickets were issued but it has not prevented commuters and business patrons from using the parking.

Hardship of off-street parking would help alleviate:

- 1) Costs – Issues hidden by previous owners.
- 2) Medical – Arthritis makes carrying heavy materials long distance unnecessarily difficult.
- 3) Time – Commuting home in rush hour traffic to find no parking on Commerce Street. Then having to circle the block to attempt to find an alternate street to park when traffic is not moving or moving slowly can often double my commute time.

Note: 1 and 2 will be discussed further with pictures on the following slides.

The original MLS listing picture.





What was not listed was that the exterior wood was covered with an epoxy that made it look like weathered but solid, i.e. not rotted wood.

Six windows have been completed with another possible 13 windows to go.



The original MLS listing
back yard picture.





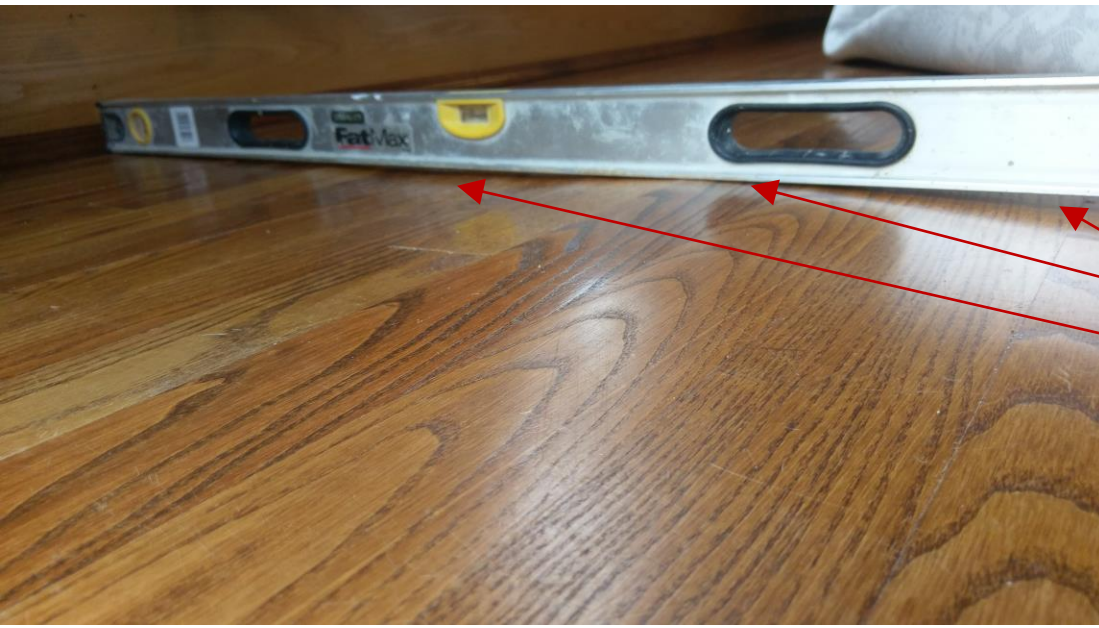
What was not disclosed was that one of the previous owners used a wood beam to support masonry. A LOT of brick. That wood beam was painted nicely and looked like it was just a superficial wood covering. Silly that I thought, surely there must be steel in there supporting such a span. Nope!

There is still two more wood beams that need to be replaced in the house.

(Note: I'm planning to obtain permits to have it all inspected when I go to replace the interior beam)



The original MLS listing picture looked nice. Now, we are seeing signs of water infiltration and the buckling of the floor. One historic home expert said that the floor joists are likely rotted as well.



Notice the bulge in the floor illustrated by the straight edge against the high points. During long periods of dry weather the floor flattens, indicating that water is getting into the wood during rainy weather.

The original MLS listing picture looked nice, but one of the previous owners glued drywall to brick.



Looking in a couple places it looks like the brick is in desperate need of repointing and the mold is pretty intense behind the drywall.



The repairs and restoration work needed on this 1700's house is seemingly endless.

- 1) The mortar and plaster requires lime to restore the historical features. Lime comes in 90lbs bags. With all the repointing and repairs, that's a lot of lime needed.
- 2) There are likely at least two more steel beams required to repair the faulty work the previous owner did to make changes and open up the spaces.
- 3) There are 13 more windows that require some level of restoration.
- 4) There is rotten wood in a number of places, including the floor in the back of the house and possibly the joists.

Hiring restoration companies to do the work is not an option. My wife and I bought this house thinking that some cosmetic work was needed but the real issues were hidden from us.

We are both mid-level federal government employees. We don't have the funds to hire professionals, if we took out loans to do all the repairs we'd likely end up having to sell and losing a lot of money due to the month to month affordability of the loan payments.

I am capable and experienced at doing restoration work. I actually enjoy it. I'm not young and after two years of work I've done to date, I'm hurting. Vehicle access will alleviate some of the labor required for the restoration of this home and make transporting materials to and from the home less time consuming.

The picture is an x-ray of my neck showing the results of spine surgery from a couple years back. While going through treatment the doctors told me I have Arthritis in several places in my neck and spine. I have also been diagnosed with arthritis in my hip.



Carrying materials on and off the property is increasingly difficult with the distance I have to park from my home.

(90 lbs bags of lime, 60-50 lbs bags of sand, bricks, window sashes, timbers, etc...)

Delivery is an option but I have no place to store large amounts of material to keep it out of the weather. The lime is the biggest issue. A palette of lime is typically 42 bags. 42 – 90 lbs bags or 3780lbs. Delivery would be at the curb and then I'd have to move it someplace. There is no place to move 3780lbs of lime where it can be stored and kept out of the rain. So I'm left to getting small amounts at a time where delivery becomes cost prohibitive.

We are asking that the city of Alexandria grant a variance to allow for a curb cut to access the property.

- Vehicular access to the property would alleviate some of the burden currently required in restoration process, putting materials and deliveries closer to the point of use.
- A driveway would increase the value of the property making the 312 Commerce Street lot more usable helping to offset the long-term costs we are incurring from some of the unexpected restoration work.
- A driveway would make deliveries more convenient and easier to coordinate.
- A driveway would allow for trips to the hardware store coming home during rush hour without a risk of parking 2-3 blocks away. There are somethings I just can't carry that far.



Proposed curb cut location

Proposed Curb Cut to the left.

Right picture shows view from
other side of tree between 310
and 314 Commerce Street.

Proposed driveway





Commerce Street Pictures surrounding 310 Commerce Street





Top pictures show S West Street, adjacent properties to Commerce Street

Bottom left picture is taken from the Church where 310 street is seen in the background.



Image from the mid 1900s

Notice the fence and the lack of planter box.

The existing planter box is in the city right of way.

The wall is currently leaning and with out the planter box might collapse.

In previous pictures there is a curb cut with driveway in this location