

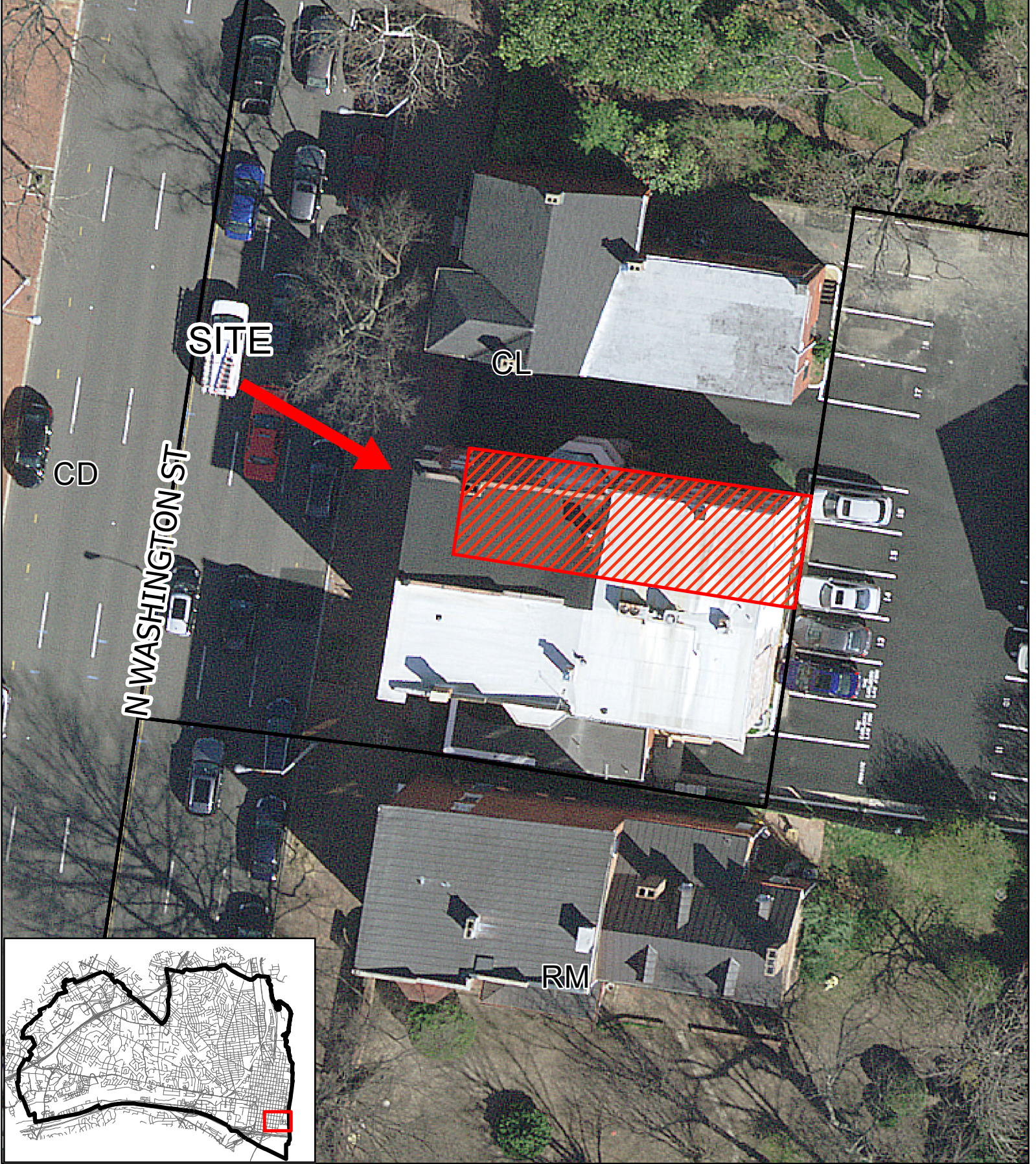
Docket Item #5
BZA #2020-00006
Board of Zoning Appeals
June 8, 2020

ADDRESS: 413 NORTH WASHINGTON STREET
ZONE: CL/COMMERCIAL LOW
APPLICANT: GWENDOLYN JO AND RONALD L CARLBERG

ISSUE: Variances from area and bulk regulations to change the use of an existing structure from commercial to residential.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-105(B)(1)	Lot Size	2,500 Sq. Ft.	1,292 Sq. Ft.	1,208 Sq. Ft.
4-105(B)(2)	Frontage	37.50 Ft.	20.28 Ft.	17.22 Ft.
4-106(A)(2)(a)	Front Yard	20.00 Ft.	0.00 Ft.	20.00 Ft.
	Side Yard (North)	12.80 Ft. (1:3 height-to-setback ratio)	0.00 Ft.	12.80 Ft.
	Rear Yard	38.50 Ft. (1:1 height-to-setback ratio)	0.20 Ft.	38.30 Ft.
4-106(A)(2)(b)	Open Space	516.80 Sq. Ft.	0.00 Sq. Ft.	516.80 Sq. Ft.

Staff **recommends approval** of the request subject to compliance with all applicable code requirements, ordinances and recommended conditions found in the department comments.



BZA #2020-00006
413 N Washington Street

0 10 20 2 40 Feet



I. Issue

The applicants propose to convert an existing commercial building to a residence at 413 North Washington Street. Although the applicant proposes no changes or additions to the building, the residential use would not comply with the area or bulk requirements of the CL zone. The applicants request variances from these requirements to allow the use of the property as a residence.

II. Background

The subject property is an interior lot of record with 20.28 feet of frontage along North Washington Street. The lot is 63.72 feet deep and it is 1,292 square feet in size. The subject property is located in the Old and Historic Alexandria Historic District (OHAD). A mix of primarily commercial uses surround the subject property.

The subject property has been zoned CL/Commercial Low since June 1992. Prior to this date, the property was zoned CO/Commercial Office. The subject property is not eligible for residential reversion as defined in Zoning Ordinance section 12-101(B). It was re-subdivided after a commercial use was established, which increased noncompliance with the CL zone's area and bulk requirements for a residential use.

III. Description

The applicants propose to convert the existing commercial building to a residence. No changes or expansions to the building are proposed. The CL zone does not specify minimum lot size or frontage requirements for commercial uses. Commercial buildings in the CL zone are also not required to provide yards or open space except when the property abuts a residential zone. Because the subject property abuts the RM zone, the existing commercial use of the building does not comply with the required zone transition setback.

The proposed residential use of the building would not comply with any of the CL zone area or bulk regulations. It would also not provide the two required, on-site parking spaces. The following table provides a breakdown of all applicable zoning regulations as they pertain to the proposal:

CL Zone	Required/Permitted		Provided
	<i>Commercial</i>	<i>Residential</i>	
Lot Area	None	2,500 Sq. Ft.	1,292 Sq. Ft.
Lot Frontage	None	37.50 Ft.	20.28 Ft.
Front Yard	None	20.00 Ft.	0.60 Ft.
Side Yard (North)	None	12.80 Ft. <i>1:3 height-to-setback ratio</i>	0.00 Ft.
Side Yard (South)	None	None <i>Party wall – no setback required</i>	0.00 Ft.
Rear Yard	38.50 Ft. <i>1:1 height-to-setback ratio</i>	38.50 Ft. <i>1:1 height-to-setback ratio</i>	0.20 Ft.

Height	35.00 Ft.		38.50 Ft.
Net Floor Area	969 Sq. Ft. <i>0.75 Floor Area Ratio (FAR)</i>		3,700 Sq. Ft.* <i>2.86 FAR</i>
Open Space	None	516.80 Sq. Ft. <i>40% of lot area</i>	0 Sq. Ft.
Parking	0 Spaces	0 Spaces**	0 Spaces***

*Estimated net floor area

**Off-street parking waived pursuant to section 8-200(C)(5)(a) because alley or interior access is not possible

***Two off-site parking spaces are provided

IV. Noncomplying Structure

The existing commercial building exceeds floor area and height maximums. Variances are not required for FAR or height because these requirements are the same for both commercial and residential uses in the CL zone. The existing building does not provide the required zone transition setback.

	<u>Required/Permitted</u>	<u>Provided</u>	<u>Noncompliance</u>
Zone Transition	38.50 Ft.	0.20 Ft.	38.30 Ft.
FAR	0.75	2.86	2.11
Height	35.00 Ft.	38.50	3.50 Ft.

V. Master Plan/Zoning

The subject property has been zoned CL/Commercial Low since June 1992. The Old Town Small Area Plan states that uses along the Washington Street corridor should include a mix of small-scale commercial and residential uses.

VI. Requested Variances

4-105(B)(1) Lot size.

As a two-family dwelling, the CL zone would require a lot size of 2,500 square feet. The subject property provides a lot size of 1,292 square feet. The applicants request a variance of 1,208 square feet from the CL zone lot size requirement.

4-105(B)(2) Frontage.

As a semi-detached two-family dwelling, the CL zone would require a lot frontage of 37.5 feet. The subject property provides 20.28 of frontage. The applicants request a variance of 17.22 feet from the CL zone frontage requirement.

4-106(A)(2)(a) Front yard.

As a two-family dwelling, the CL zone would require a 20-foot front yard. The subject property provides no front yard. The applicants request a variance of 20 feet from the CL zone front yard requirement.

4-106(A)(2)(a) Side yard.

As a two-family dwelling, the CL zone would require a 12.80-foot north side yard which is based on a height to setback ratio of 1:3. The subject property provides no side yard. The Zoning Ordinance defines a semi-detached, two-family dwelling as one building, and does not require a side yard between the two dwelling units. As proposed, the dwelling would not be required to provide a south side yard. The applicants request a variance of 12.80 feet from the CL zone side yard requirement.

4-106(A)(2)(a) Rear yard.

As a two-family dwelling, the CL zone would require a 38.50-foot rear yard. The subject property provides a 0.20-foot rear yard. The applicants request a variance of 38.30 feet from the CL zone rear yard requirement.

4-106(A)(2)(b) Open space.

As a two-family dwelling, the CL zone would require 40 percent of the total lot size (516.80 square feet) as open space. The subject property provides no open space, so the applicants request a variance of 516.80 square feet from the CL zone open space requirement.

VII. Applicants Justification for Variance

The applicants state that enforcement of the CL zone requirements would require that the historic building be demolished to bring the property into compliance as a residential use. They state that because of its age and historical significance, that the Board of Architectural Review would likely not support any demolition.

VIII. Analysis of Variance Definition

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

- a. The request is a reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land or the size, height, area, bulk or location of a building or structure.

The applicants requested deviations represent the minimum necessary to allow the property to be used as a complying two-family dwelling. Deviations from the required yards and open space less than those requested would require demolition of a historically significant structure, leaving no buildable area. Deviations from the required lot size and frontage less than those requested would prohibit the use of the property as a dwelling which was its original purpose.

Further, given that the applicants propose reuse of the existing structure as a residence without any exterior changes, the requested deviations are reasonable because they would maintain the structure's historic and architectural significance.

The BZA approved a similar request for variances in September 2019 for the property located at 417 North Washington Street. Staff then recommended denial of the request citing that the number of variances requested was unreasonable. Upon review of the applicant's proposal, staff determined that an evaluation of why each deviation is reasonable, rather than the reasonableness of the number of deviations requested, provided a more thorough analysis and meaningful conclusion.

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

Strict application of the yards required by the CL zone for a two-family dwelling would unreasonably restrict the property by first requiring demolition of a historically significant structure. It would also leave a buildable area that would measure approximately five by 12 feet or 60 square feet. Strict application of the open space requirement would require this area to remain open, effectively rendering the entire subject property unbuildable.

Strict application of the CL zone's lot size and frontage requirements would unreasonably restrict the subject property by prohibiting exclusively residential uses entirely.

Strict application of the Zoning Ordinance would, however, allow for commercial uses of the subject property as permitted by the CL zone. This would include a permitted commercial use on the first floor with up to two dwelling units above pursuant to the accessory apartments provision of Zoning Ordinance section 4-108. This use would still be noncomplying as it would not meet the required zone transition setback.

Strict application would still unreasonably restrict the utilization of the property as a residence which is a permitted use in the CL zone.

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

The need for the requested variances would be shared by other properties developed with historic structures on lots without open space and of similar size. An inspection of the surrounding area found that the subject property is unique in that it was originally constructed as a residence and provides no yards as a result of City-approved subdivisions over time. It's uniquely smaller than other similar properties, including the adjacent properties at 417 and 411 North Washington Street, in terms of both width and depth.

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

The residential use of the subject property, a use permitted by the CL zone would not be contrary to the purpose of the ordinance.

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

The applicant does not request a use not permitted by the CL zone. A rezoning would not eliminate the need for the requested variances.

IX. Analysis of Variance Standards

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

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

Strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property as a residential dwelling, which is a permitted use in the CL zone. Strict application would prevent all exclusively residential uses of the property. While strict application would allow for the continuation of the existing commercial use or addition of accessory apartments, the existing commercial use still provides a noncomplying zone transition setback. The variances, if approved, would alleviate hardships created by the subject property's lot configuration (narrowness and small size), established by previous City-approved subdivisions.

- 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 subject property interest in good faith and did not create the hardship. They were unaware at the time of purchase that the Zoning Ordinance would unreasonably restrict their ability to convert the building to a residence.

- 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.

Granting the variance would not impact adjacent or nearby properties because no changes or expansions to the existing building are proposed. Further, granting the variances would result in a residential use that would be arguably less impactful to surrounding properties than the existing or potential expanded by-right commercial uses.

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

The hardship created by the subject property's size and configuration is unique. It is uncommon for even similarly sized lots to provide no yards. It would not be reasonably practicable to amend the zoning ordinance to eliminate the applicants' need for all the requested variances.

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

The variance request does not result in a prohibited use or a rezoning.

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

The request is not eligible for special exception or modification processes.

X. Staff Conclusion

As outlined above, staff **recommends approval** of the request subject to compliance with all applicable codes, ordinances and recommended conditions found in the departmental comments of this report.

Staff

Sam Shelby, Urban Planner, sam.shelby@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 subject property is located in the locally regulated Old and Historic Alexandria District (OHAD). Any demolition/capsulation, addition or alterations to the subject property requires a Permit to Demolish/Capsulate or Certificate of Appropriateness from the Board of Architectural Review.
- F-2 BAR staff appreciates the fact that the applicant intends to adaptively reuse this existing structure without making major changes, therefore maintaining the building's historic and architectural significance.

Transportation and Environmental Services:

- R-1 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-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R-4 Comply with all requirements of SIT #73-0035. (T&ES)
- F-1 Previously reviewed under BAR #2011-0034 and BAR #2012-0171. (T&ES)
- F-2 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-

6-224) (T&ES)

- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)
- C7 An encroachment request will be required for projections into the public right of way. (T&ES)

Code Administration:

- C-1 No comments.

Recreation (City Arborist):

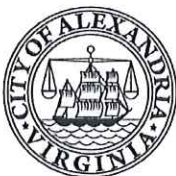
- C-1 No comments.

Historic Alexandria (Archaeology):

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

Other requirements brought the applicant's attention if the Board approves the requested variance:

- C-1 The variance must be recorded with the property's deed in the City's Land Records Office prior to the release of the building permit.



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

Section of zoning ordinance from which request for variance is made:
4-105, 4-106

PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent
Name Gwendolyn Jo and Ronald L Carlberg
Address 2147 Sandcastle Court
Annapolis, MD 21403
Daytime Phone 443-221-7133
Email Address carlbergr@gmdsinc.com
2. Property Location 413 N Washington St.
3. Assessment Map # 064.C Block 09 Lot 602 Zone CL
4. Legal Property Owner Name Gwnedolyn Jo M & Ronal
Address 2147 Sandcastle Court
Annapolis, MD 21403

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.} Gwendolyn Jo Carlberg	2147 Sandcastle Ct	50%
^{2.} Ronald L Carlberg	Annapolis, MD	50%
^{3.} Linda Herring (Agent)		0%

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.} Gwendolyn Jo Carlberg		50%
^{2.} Ronald L Carlberg		50%
^{3.} Linda Herring (Agent)		0%

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.} Gwendolyn Jo Carlberg	None	
^{2.} Ronald L Carlberg	None	
^{3.} Linda Herring (Agent)	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.



REAL ESTATE BOARD - SALESPERSON LICENSE
NUMBER: 0225184933 EXPIRES: 09-30-2021

LINDA P HERRING
LINDA HERRING
LONG & FOSTER REAL ESTATE INC
14501 GEORGE CARTER WAY
CHANTILLY, VA 20151



Status can be verified at <http://www.dpor.virginia.gov>

5. Describe request briefly:

The building at 413 N Washington St. was built in 1872 as a single family residential dwelling. Sometime after Dec. 1973, it began to be used for commercial use as professional office space. The current owners are requesting approval for the property to once again be used for residential purposes. This would create non-compliance with bulk zoning regulations for residential use in a CL zone due to house size and lot size. Zoning relief is being requested for the following ordinances: Lot size, Yards and Open Spaces.

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.

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: Gwendolyn Jo Carlberg

Date: 3/10/2020

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.

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.

Enforcement of the yards and open space ordinances for CL zone as a residential use would require that this historic building be largely or entirely demolished which would be difficult since it is part of an 1872 historic 2 property duplex building. Board of Architectural Review would not likely support such a demolition. Prior to current owners purchasing the property in 2005, this property was undergoing an expensive restoration of the historic features as well as current day updates by an Alexandria historic developer who was a member of the BAR. Current owners purchased the property for commercial use but now they want to sell it for residential use since there is more interest and a higher value for the property in the residential market rather than commercial market. The residential market is strong in Old Town Alexandria where as the commercial market is soft.

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

The variance would allow the property to return to it's original historic use as a residential 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.

There are other properties nearby which have similar circumstances. The property next door - 417 N Washington St. was granted variance approval by the BZA on September 9, 2019 for these same issues.

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

This situation does apply to a number of properties in the CL zone which were built before the current zoning regulations. One property in particular is directly next door, 417 N Washington St., which was granted variance approval to convert to residential use on September 9, 2019. Same ordinance issues applied to this property as apply to 413 N Washington St.

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

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

The condition existed prior to the purchase of the property by the current owners.

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

The owners were not aware of the extent of zoning relief that would be required to return the property to residential use as an option at the time of purchase.

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

The condition was created when the current zoning ordinance was enacted - current version adopted June 24, 1992.

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

The hardship is inherent to the property which pre-dates the zoning ordinance.

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

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

The proposed residential use should not be detrimental to adjacent properties as it may be considered a low-intensity use with regard to noise or other possible nuisances. There are no proposed changes to the property footprint and there are other residential use properties on the block so it is not unique in that aspect. The proposed variance will be in fact consistent with the recent variance approval granted by BZA to the adjacent building directly next door - 417 N Washington St.

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

Not at this time.

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

None that we are aware of.

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.**

The owners have tried to sell the property for the last 2 1/2 years for commercial use without any success and even for mixed use - work and live. A few interested buyers wanted the assurance of a future option to convert the property to full residential use or be able to sell it in the future for that purpose. The owners proposal to get approval from the BZA for this property use as residential is paramount in being able to sell this property in this current real estate market.

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

See attachments

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

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

The example illustrates a detailed description:

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

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

(Short Version)

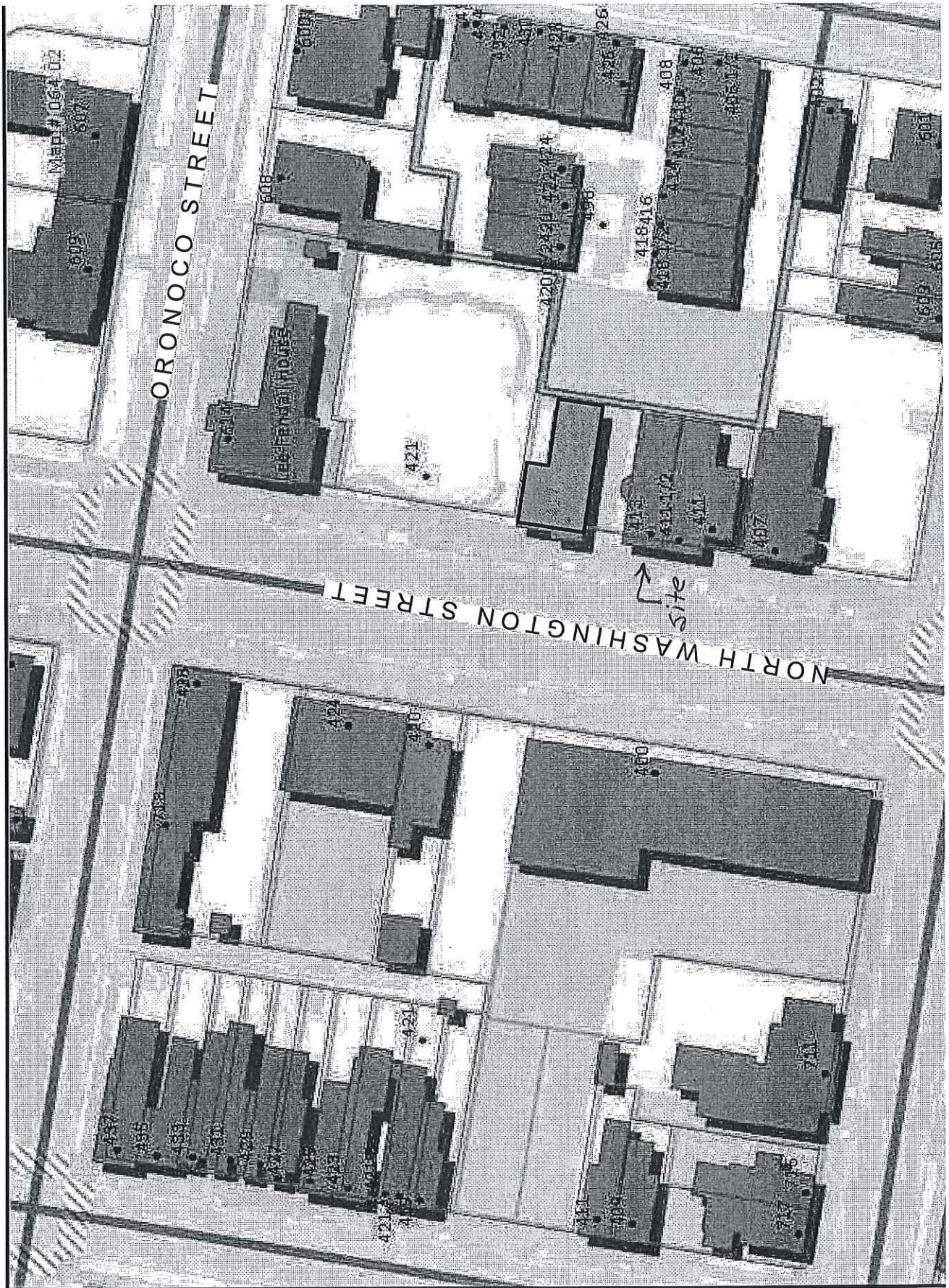
Draft

Property Owner Notice - Description

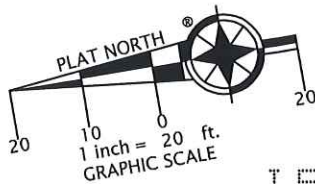
The building at 413 N Washington St. was built in 1872 as a residential dwelling and used as such until about 1973 when it began to be used for commercial use as a professional office. The current owners have used the property as a law office for 14 years but are now in the process of selling the property. Although it could be sold for commercial use, current real estate trends indicate that there is more consumer interest and more value for the property and to the community for it to be sold for residential use. Therefore, the current owners are requesting a variance for residential use from the Board of Zoning Appeals since the property is zoned CL (commercial low).

Draft (Longer Version)
Property Owner Notice - Description

The building at 413 N Washington St. was built in 1872 as a residential dwelling and used as such until about 1973 when it began to be used for commercial use as a professional office. The current owners have used the property as a law office for 14 years but have now retired. The owners have tried to sell the property for the last 2 1/2 years as a commercial property without success since the commercial market is soft in Old Town Alexandria for this type of property. This is a beautifully restored historic property that now has more value for residential use in this market than for commercial use. The residential market is very strong in Old Town and there has been a lot of residential interest in the property. Buyers do not want to purchase the property until they know if it can be used for residential purposes. The owners are requesting a variance to use the property for residential use as well as maintain the current commercial use option. A residential use would create non-compliance with several bulk zoning regulations for residential use in the CL zone. Zoning relief is being requested for the following ordinances: Lot size, yards and open space.



NOTES: 1. UTILITIES ARE UNDERGROUND.



ORONOCO STREET

MONUMENT LINE

LEE MEWS
CONDOMINIUMS

THESE SPACES ARE NOT
NUMBERED AND APPEAR TO BE
DESIGNATED FOR LOT 602

DENOTED AS
"RESIDENTS ONLY"

16 15 14 13
S 09°30'00" W
20.28'

2.5' CURB & GUTTER

OFF 0.7' OFF 0.7'

20.9' ON 0.3' ON 0.2'

LOT
602
1,292 SF

3 STORY
BRICK
BUILDING
#413

64.8'

PARTY WALL
#411½

63.72'

N 80°48'00" W

2.5' CURB & GUTTER

20.9'

32.9'

0.9'

0.9'

17.9'

0.4' 4"

21.6'

OFF 1.4' OFF 5.6'

STP STP

STEPS

OFF 1.3'

BRICK WALK

0.5' STONE CURB

WATER METER

PLANTER

N 09°30'00" E

20.28'

WROUGHT IRON FENCE

20.58' EMER. VEHICLE ESMT.

S 80°48'00" E

63.72'

ASPHALT PAVEMENT

STP

STEPS

AC AC

COVID WALK

OFF 5.3'

OFF 1.3'

207.78'

50.04'

90°19"

33.265'

NORTH WASHINGTON STREET

MONUMENT LINE

PLAT

SHOWING BUILDING LOCATION ON

LOT 602

OF A RESUBDIVISION OF LOT 501 OF

LEEWAY DEVELOPMENT CO.,

ALBERT A. & NORA W. WOOLF
& ROBERTA HOY BUSSARD ETAL

(DEED BOOK 816, PAGE 380)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

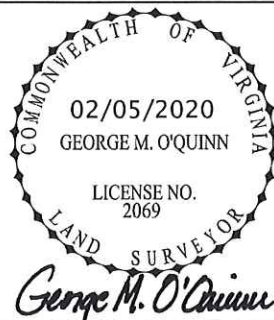
FEBRUARY 5, 2020

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

THIS PLAT IS SUBJECT TO
RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.



ORDERED BY:

RONALD CARLBERG

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

CASE NAME: CARLBERG

#50404002-1

050020244

000276

05-230m
Consideration \$1,822,683.00
Tax Map No: 50149200
Grantee Address:
413 N. Washington St.
Alexandria, VA 22314

Document Prepared By:
Michael A. Zito, Esq.
601 N. Fairfax Street, #150
Alexandria, VA 22314
File No. 05-230M

This Deed, made this **June 14, 2005**, by and between **413 NORTH WASHINGTON, LLC**, party of the first part ("Grantor"); and **GWENDOLYN JO M. CARLBERG** and **RONALD L. CARLBERG**, parties of the second part ("Grantees").

-Witnesseth-

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey, in fee simple, with General Warranty and English Covenants of title, unto the Grantees, as Tenants by the Entirety with full common law right of survivorship, their assigns, the survivor of them and the survivor's personal representatives and assigns, all the following-described lot or parcel of land together with improvements thereon, situate, lying and being in the **City of Alexandria**, State of Virginia:

Lot Six Hundred Two (602) of the Resubdivision of Lot Five Hundred One (501) of the Subdivision of the lands of Leeway Development Co., Alberta A. and Nora W. Woolf and Roberta Hoy Bussard, et al, as the same is duly dedicated, platted and recorded in Deed Book 816 at page 380 of the City of Alexandria, Virginia, land records.

MONUMENT TITLE COMPANY, INC
601 N. FAIRFAX ST. STE 150
ALEXANDRIA, VA 22314-2089

TOGETHER WITH easement for both ingress and egress across the driveway on Lot 502 and parking on lot 500 of the said subdivision.

TOGETHER WITH a permanent right of way to use two parking spaces on lot 500 adjoining on the rear of Lot 602 and which shall be appurtenant to lot 602.

For derivation of title see Deed Book 040050525 at Page 236.

This conveyance is made expressly subject to the easements, conditions, restrictions, and rights-of-way of record contained in the instruments forming the chain of title to the property conveyed herein and to matters visible upon inspection.

The said Grantor covenants that it has the right to convey the said land to the said Grantees; that it has done no act to encumber the same; that the Grantees shall have quiet possession of the said land; free from all encumbrances except mentioned herein, and that it, the said Grantor, will execute such further assurances of the land as may be requisite.

Witness the following signature and seal.

413 NORTH WASHINGTON, LLC

By: William H. Cromley (SEAL)
William H. Cromley, Manager
Manager

State of Virginia)
City of Alexandria) to wit:

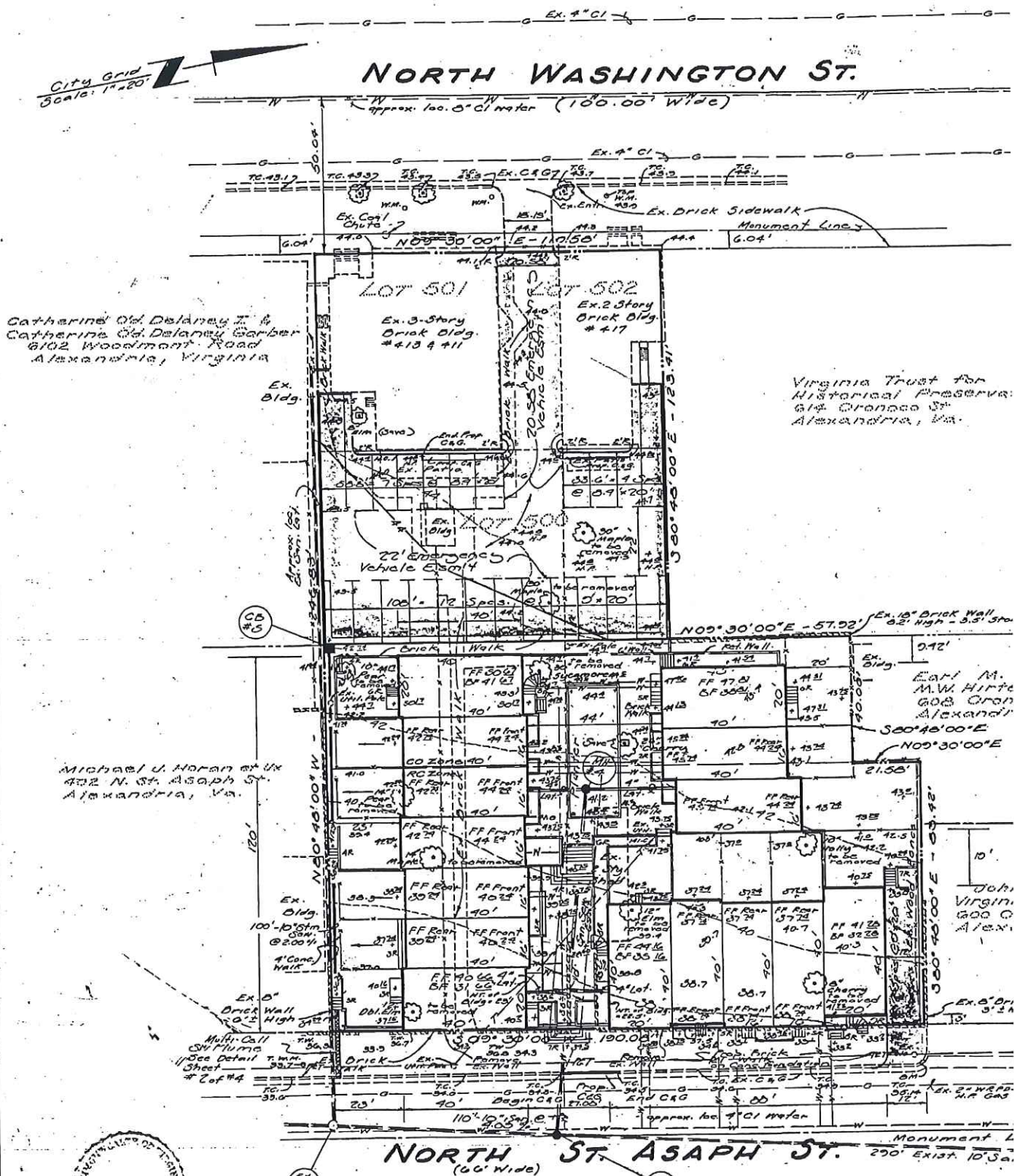
The foregoing deed was acknowledged before me on 6/14/05
by William H. Cromley, Manager, 413 North Washington, LLC.

Kathie Gaffney
Notary Public
My commission expires 2/28/06

After recording, please return to:
Monument Title Company, Inc.
601 N. Fairfax Street, #150
Alexandria, VA 22314

INSTRUMENT #05002024<
RECORDED IN THE CLERK'S OFFICE OF
ALEXANDRIA ON
JUNE 16, 2005 AT 12:33PM
\$1,823.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$911.50 LOCAL: \$911.50
EDWARD SEMONIAN, CLERK
RECORDED BY: PAF

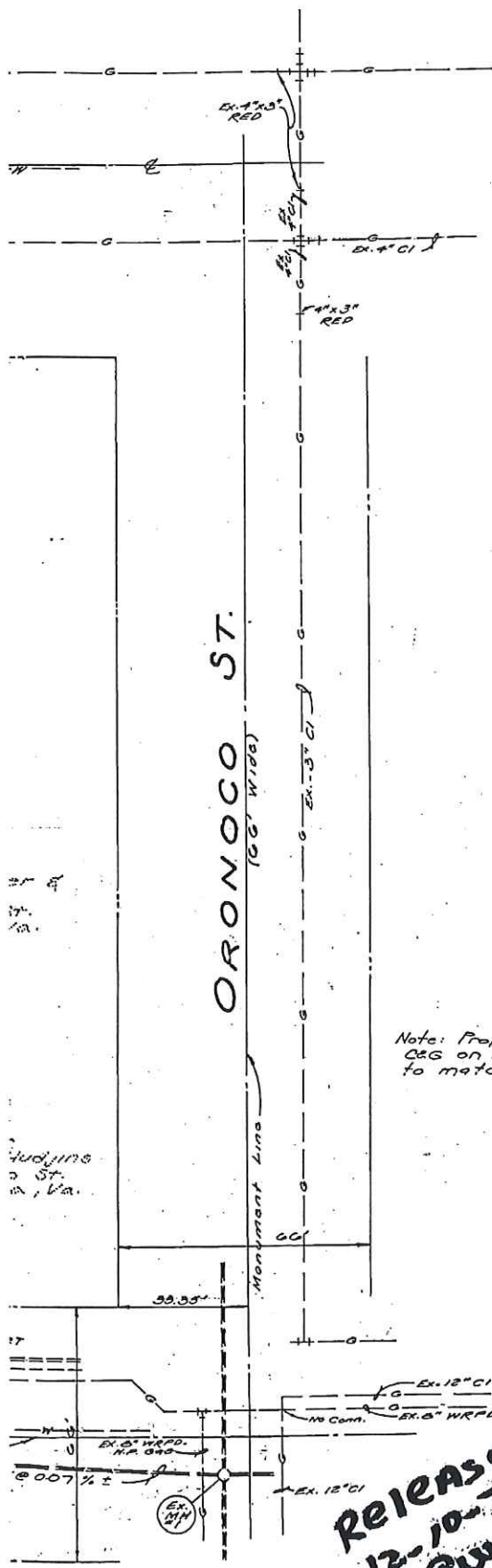
73-035



FINAL SITE PLAN

Holmes Engineering Inc.
1111 BARRY TOWEL • BUCKINGHAM, VT.
John C. Babcock DATE 10/23/76
REGISTERED PROFESSIONAL ENGINEER - WITHIN A CERTIFICATE NO. 4500

LEE
City of Alex



GENERAL NOTES

Planning District
Zone
Area of Site
No. Stories of New Bldgs.
Average Ht. of New Bldgs.
No. of Dwelling Units Exist'g
No. of Dwelling Units Prop.
One Bedroom Units
Two Bedroom Units
Three Bedroom Units
Dwelling Units per Acre

One
CO & RC
36,243 sq ft or 0.8320 AC.
3
22'
25
20
5
5
6
24

LOT 500

Area
Area Required
Floor Area Prop.
Floor Area Permitted
Open Space Prop.
Open Space Required
Parking Prop.
Parking Required

22,157 sq ft Zone - CO & RC
20,000 sq ft @ 1600 sq ft Unit in CO;
200 sq ft Unit in RC
26,512 sq ft
22,026 sq ft
13,262 sq ft
11,140 sq ft
20 Spaces
20 Spaces

LOT 501

Area
Existing Apartments To Be Converted Into Offices
Parking Required
Parking Proposed
Parking Now Available
Floor Area Existing
Floor Area Permitted

3,650 sq ft Zone - CO
17 Spaces
4 Spaces
0 Spaces
7,200 sq ft
16,470 sq ft

LOT 502

Area
Existing Office Building
Parking Required
Parking Proposed
Parking Now Available
Floor Area Existing
Floor Area Permitted

3,392 sq ft Zone - CO
7 Spaces
3 Spaces
0 Spaces
10,000 sq ft
6,726 sq ft

CONSTRUCTION NOTES

All Construction To Conform To Current Alexandria Standards and Specifications.

Parking Area Paving - 3" Asphalt on 6" Min. Gravel Base.

Courtyard & Gardens Subject to Final Landscape Design.

Board of Zoning Appeals Variances have been requested to reduce required sideyard, to exceed FAR, to reduce required parking and to reduce parking space size where necessary to develop this Plan.

Utility locations from available records. Contractor shall verify prior to construction.

Property Line Data and Area shown hereon from Subdivision Plat filed for this property, not yet recorded.

Note: Prop. Brick Walk & Prop C&G on North St. Asaph St. to match Ex. C&G & Ex. Walk

OWNERS

LEEWAY DEVELOPMENT CO.

417 N. Washington St.

ROBERTA HOY BOSSARD

CATHERINE HOY HELMUTH

MARY ELIZADETH HOY

1105 Della Vista Drive

ALBERT A. & NORA WALL WOOLF

3507 Saylor Place

DEVELOPER

LEEWAY DEVELOPMENT CO.

417 N. Washington St.

Alexandria, Virginia

BENCHMARK

10' T.C. 25' South Oronoco St. on West Side St. Asaph at driveway P.C. - Elevation 35.14

Datum: UGC & GS

Note: Tops by others.

Sanitary Sewer

Ex. MH #1

Top 35.14

Inv. 27.34

Inv. 27.11

Inv. 26.76

Inv. 26.77

Ex. MH #2

Top 33.35

Inv. 27.21 (in)

Inv. 27.00 (out)

MH #3

Top 34.00

Inv. 27.50 (prop. 10" in)

Inv. 26.95 (10" in)

MH #4

Top 34.34

Inv. 27.00 10" out

Storm Sewer

CD #5

Top 42.74

Inv. 36.06 15" out

APPROVED

DEPT. OF PUBLIC WORKS

ALEXANDRIA, VIRGINIA

Norman L. Palmer

CHAIRMAN OF PLANNING COMMISSION

12-10-73 Dayton L. Cook

DATE DIRECTOR OF PUBLIC WORKS

LEGEND

ITEM	EXISTING	PROPOSED
CONTOURS	124	124
SPOT ELEVATIONS	124.5	+1245
SANITARY SEWER	—	—
STORM SEWER	—	—
GAS MAINS	—	—
POWER LINES	—	—
TELEPHONE LINES	—	—
WATER MAINS	—	—
FIRE HYDRANTS	—	—
FENCE	—	—
STRUCTURES	—	—
CONCRETE WALK	—	—
PAVING	—	—
HEADER CURB	—	—
CURB & GUTTER	—	—

DRAWN BY:

DATE

GRADED BY:

DATE

CHECKED BY:

DATE

REVISION

DATE

SCALE

1" = 20'

FIELD BK. HARD COPY

SHEET NO.

1 of 4

JOB NO.

D.R. 305

LEWIS

10, Virginia

73-035

73-035

History of Ownership and/or Usage for

413 N Washington St. Alexandria, VA

Property (both halves of the building) was built in 1874 for Emanuel Ethelbert Downham and his partner Henry Green by builder Thomas E. Kemp. Downham moved into 411 and Green into 413 in 1875. They were partners in a successful whiskey distributor company, EE Downham & Company, and Downham became mayor of Alexandria in the 1880's. (Historical Research)

1936-1971 (35 years) – 413 N. Washington property was owned and was the residence of Mary Hoy.

1972 New residents moved in – 7 people – 1 female and 6 males. At that time 411 the property next door was and had been for previous years a rooming house with several tenants.

1974 - 413 N. Washington St. was owned and the residence of Julius Baker and WC Smith. At the same time, 411 was a guesthouse and 417 was owned/used by Leeway Development.

Harry S. Fleming was the owner of 413 N. Washington St. until Dec. 28' 1976 when he sold it to 413 N. Washington St. Associates. It appears that the property was used for commercial offices from 1975-1979, possibly on a tenant lease basis.

Historical data above from 1936-1979 researched by Linda Herring at the Alexandria Public Library, Hill City Directory source)


Fw: Request 413 N Washington St. property to be sold/used as Residential as well as Commercial

LINDA HERRING <LINDA.HERRING@Inf.com>

Fri 2/14/2020 3:37 PM

To: mary.christesen@alexandriava.gov <mary.christesen@alexandriava.gov>

Cc: Ron Carlberg <carlberg@gmdsinc.com>

 2 attachments (10 MB)

20200213200738301.pdf; 413 N Washington St New Marketing Brochure.pdf;

Dear Ms Christesen,

This requests that Alexandria Planning and Zoning give owners of 413 N Washington St., Gwendolyn Jo and Ronald Carlberg, approval to be able to market, sell and allow a buyer to use the property for residential, commercial or combination commercial/residential use purposes.

The property is currently zoned CL and has been used as a single owner user commercial office for the last 14 years by the current owners, for the Carlberg Law Firm. The property was extensively renovated and original features restored by a historical developer, Bill Cromley, a member of the ARB when the Carlberg's purchased the property in 2005. The Carlberg Family Law practice has been in this location for 14 years and in another prior location on South Washington St. – Gwendolyn Jo Carlberg has practiced law in Old Town Alexandria for over 40 years until recent retirement.

413 N Washington St. is a beautifully restored 1872 historical property with many original details and features making it highly desirable in the current strong Old Town Alexandria residential real estate market where inventories are low and prices have continued to increase. This compares to the commercial market in Old Town which is soft and inventories are high and prices are declining. This property has been on the market for the last 2 years targeted to the commercial segment and has not sold. Commercial offices are trending to more contemporary style and open spaces.

This year, 2020, we want to target the residential market due to overwhelming feedback we have received from residential real estate brokers. A recent Broker Open House (2/11/2020) to get feedback from residential agents confirmed that the property's original historical details and amenities, size and space, location and price point make it highly desirable in this hot Spring Old Town Alexandria residential real estate market. Additionally there has been a resurgence in Old Town over the last few years to convert more historic commercial properties back to residential use.

Historical research we have gathered shows that 413 N Washington St was originally built as a residential property in 1872 and continuously used as a residential property until 1974 (2 supporting documents attached). It seemed to begin use as commercial offices in 1975/1976 but our limited research did not provide data beyond 1979 so we don't know whether property usage was continuously commercial through present.

In conclusion, we believe that 413 N Washington St. property should be able to be used for commercial, residential or mixed use (commercial & residential) based on the property's historical use and current day interest in the property for residential and/or commercial purposes. We believe that 413 N Washington St. can be a residence by right based on Section 12-101(B) of the Alexandria Zoning Ordinance since the 1974 Hill City Directory lists the property as the residence of Julius Baker and W.C. Smith and there have not been any changes to the property building since then.

The attached documents, some at the request of Planning and Zoning and others as support documents, are:

1. Current day Plat for 413 N Washington St. dated 2/5/2020
2. Property Deed for 413 N Washington St. provided at purchase and recorded in 2005 showing two (2) specific assigned parking spaces.
3. A Leeway Development Survey/plat dated 12/7/1973 showing Lot 501 (413 & 411 N Washington St) as current residential apartments.

4. Alexandria Zoning Ordinance Section 12-101(B) as reference.
5. History of Ownership and Usage for 413 N Washington St. (from Alexandria Library research)
6. 413 N Washington St. Commercial Sales Brochure

If you have any questions or wish to discuss this request, please call Jo Carlberg, or Linda Herring, Long and Foster Real Estate agent. We will be glad to speak with you or meet with you. Please copy both of us on any email correspondence.

Gwendolyn Jo Carlberg: 443-221-7133 or 703-477-3666, carlbergj@gmdsinc.com (email)

Linda Herring: 301-717-0442, Linda.Herring@LNF.com (email)

We look forward to hearing back from you at your earliest possibility.

Thank you,

Linda Herring MBA
Long and Foster Christie's International Real Estate
20 Chevy Chase Circle NW
Washington, DC 20015
301-717-0442 (cell)
202-966-1400 (office)
Linda.Herring@LNF.com

Licensed in DC, MD, & VA

From: ds.7322-01@longandfoster.com <ds.7322-01@longandfoster.com>
Sent: Thursday, February 13, 2020 8:07 PM
To: LINDA HERRING
Subject: Message from "RNP583879083493"

This E-mail was sent from "RNP583879083493" (MP 4055).

Scan Date: 02.13.2020 20:07:38 (-0500)
Queries to: ds.7322-01@longandfoster.com

12-101. - Terms defined.

- (A) Noncomplying structure means any building or structure that existed prior to the effective date of any change in the zoning regulations or restrictions, but which thereafter, by reason of such change, is not in compliance with the zoning regulations or restrictions then in effect.
- (B) A building on a lot that does not meet the current zoning requirements for residential use, that was originally constructed or principally used prior to June 24, 1992 as a residence, may be reverted from commercial use to a residential use and shall be a noncomplying structure provided that:
 - (1) The proposed residential use is permitted in the zone;
 - (2) The proposed residential use contains a number of dwelling units equal to or less than previously existed on the property;
 - (3) Since the most recent conversion to a commercial use, there has been no expansion to the structure and no changes to the lot of record that increase the degree of noncompliance for a residential use; and
 - (4) Since the building was last a residential use, the number of parking spaces has not been reduced notwithstanding the requirements to provide parking in section 8-200.
- (C) The term noncomplying structure does not include a structure that was grandfathered under prior law.
- (D) In the event a nonconforming use is located in a noncomplying structure, the provisions of sections 12-204, 12-205, 12-207, 12-208, and 12-209 shall apply.
- (E) A structure located on a parcel that is reduced in size by virtue of the exercise of eminent domain shall be considered a noncomplying structure if the reduction in parcel size is the cause of such noncompliance and the structure preexisted the reduction in size.

FOR SALE | HISTORIC TOWNHOUSE

PRIME OFFICE OR OFFICE/RESIDENTIAL

413 N. WASHINGTON STREET • OLD TOWN - ALEXANDRIA, VIRGINIA 22314



Linda Herring, MBA, Realtor

Cell: 301-717-0442

email: Linda.Herring@LNF.com

website: www.LindaHerring.com

LONG & FOSTER®
— REAL ESTATE —

CHRISTIE'S
INTERNATIONAL REAL ESTATE



PROPERTY OVERVIEW

413 North Washington St. is a beautiful, historic Old Town Townhouse for office or office/residential use. The building, originally built in 1872 by a prominent Alexandria businessman, was designed for two separate residences. The 413 property is the left side of the building. It was a residence in its early years until mid- 20th century, but since then it has been used more for commercial offices. It was fully renovated in 2005 by a local Alexandria developer who specializes in historical properties and many original period details were restored. It has a wonderful balance of old and new – elegant charm with modern workplace necessities. Over the last 13 years it has housed a law practice and is particularly suited as offices for professional, service, creative or medical businesses or associations. It offers work and live possibilities also.

GREAT LOCATION/HIGH VISIBILITY

High Visibility for signage on North Washington St., a main street into Old Town Alexandria. Great Location – just 3 blocks from major intersection of Washington and King St in center of Old Town. Walk to restaurants and shopping. 5 blocks to Potomac River. Close to 2 metros - Braddock Road & King Street. Walk score 95! Easy Access - 10 min to Reagan National Airport and I-395/14th Street bridge into DC/Capitol Hill. 15 minutes to Arlington/new planned Amazon Headquarters.



PROPERTY HIGHLIGHTS

- Historic Townhouse with distinctive features - high ceilings, archways, wide crown molding, tall doors and windows
- Fully renovated in 2005 – most major systems replaced, upgrades to electrical panel. New Kitchen and all 4 Baths, painting and floors refinished
- 3,964 SF on 3 Upper Levels + 1,317 SF Basement
- 3 exterior egress doors, 4 hallways and beautiful front and back stairs
- 11 offices on 3 floors: 3 offices on 1st floor, 3 offices (one large double) on 2nd floor, 5 offices on 3rd floor
- Kitchen on first floor and wet bar area in 2nd floor large office
- 4 Bathrooms – 1 Full and 3 Half Baths
- 6 marble or tile fireplaces (1 gas fireplace) on 1st and 2nd floors
- All 3 floors have original heart of pine, wide plank wood floors. Other features are 11' ceilings, sliding pocket doors, 10' solid wood doors some with transom windows, curved bay windows, crown molding
- Basement suitable for general and document storage
- Storage closets on 3 Upper Levels
- Finished 270 SF of Basement contains fitness area - exercise area, sauna, lockers, shower & dressing room
- Interior and exterior painting done in 2005 and again in 2017
- Security system with cameras/monitors. Front door opens to an entry area with 2nd door with visual glass and inside access control system
- 2 assigned parking spaces convey in paved parking area in back of property.
- 2018 RE Taxes: \$16,581





OFFERING SUMMARY

Sales Price:	\$1,700,000
Building Size:	3,964 SF (excluding Basement)
Price/SF:	\$428.86 (\$321.91 including Basement)
Layout:	3 floors offices + Basement with Exercise/Sauna Area
Year Built:	1872
Lot Size:	1,292 SF
Zoning:	CL (Commercial Low)
Renovated:	2005
Parking:	2 assigned parking spaces convey
Location:	On North Washington Street between Oronoco Street and Princess Street - 3 blocks from King Street



Linda Herring, MBA, Realtor
 Cell: 301-717-0442
 email: Linda.Herring@LNF.com
 website: www.LindaHerring.com

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 INTERNATIONAL REAL ESTATE

Chevy Chase Office 202-966-1400
 Information deemed reliable, but not guaranteed.







