

**Address:** 611 Cameron Street  
**Zone:** RM/Townhouse  
**Appellant:** James B. Michels, represented by Clarissa K. Pintado, attorney

**Issue:** Appeal of the July 13, 2020 Director's determination that the subject property is either a two-family or townhouse dwelling and that another dwelling unit on the subject property would constitute a use not permitted by the Zoning Ordinance.

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### **Summary of Case on Appeal**

This case concerns the configuration and use of the existing dwelling at 611 Cameron Street (“subject property”). The City of Alexandria Zoning Ordinance Section 2-136 defines dwelling as “a building or portion thereof, which is designed or used exclusively for residential purposes.” Sections 2-137 through 2-140 define multifamily, townhouse, single-family and two-family dwellings. These definitions distinguish between these dwelling types based on their configuration and occupancy. For example, a single-family dwelling has a detached configuration and is occupied by only one family. Zoning Ordinance Section 3-1100 establishes permitted dwelling types and requirements for properties within the RM zone. The RM zone permits single, two-family and townhouse dwellings.

James B. Michels, owner, represented by Clarissa K. Pintado, (“appellant”) has requested that the Planning and Zoning Director determine that the subject property could “...be used as a two-family dwelling....” On July 13, 2020 the Planning and Zoning Director determined that the Zoning Ordinance prohibits the use of the subject property as the appellant requested. To reach this conclusion, the Director reviewed exhibits provided by the appellant and City records to establish the configuration of the existing dwelling. The Director could not definitively determine if the existing dwelling was a semi-detached or townhouse dwelling. Under either configuration, the Director found that the appellant’s proposed use would not be permitted by the Zoning Ordinance.

The appellant disagreed with the Director’s determination, stating that the subject property is neither a two-family nor townhouse dwelling, and that RM zone would permit the appellant’s proposed use. Although the appellant does not explicitly state this, it seems that the assertion being made is that the subject property’s existing configuration is a single-family dwelling. The appellant filed an appeal (Attachment 1) to the Board of Zoning Appeals (BZA) pursuant to Zoning Ordinance Section 11-1200. The appellant requests the Board of Zoning Appeals (BZA) to reverse the Director’s determination by finding that the dwelling is neither a two-family or townhouse and that the proposed use would be permitted by the RM zone.

## **I. Background**

### *History of the subject property*

Ethelyn Cox's Historic Alexandria, Virginia, Street by Street (1976), indicates that the dwelling unit on the subject property, and the dwelling unit located immediately adjacent to the east at 609 Cameron Street, were constructed together in 1795 (Attachment 2). On July 21, 1964, Planning Commission approved a resubdivision of the subject property and the property at 209 North Washington Street that created the current lot configuration. On May 23, 1978, City Council granted Special Use Permit (SUP) #1175 to allow for the dwelling unit at 611 Cameron Street to be changed in use from a dwelling unit in a two-family building to a business/professional office. At the time, the subject property was zoned RC which permitted business/professional offices with SUP approval. On June 24, 1992, the subject property was rezoned RM and the business/professional office use became noncomplying. According to issued building permits and Board of Architectural Review cases, the business/professional office uses ceased and the subject property was converted back to a dwelling unit and has been used as such since 2013.

### *Previous Determination*

In a letter dated August 21, 2017, the appellant requested the Planning and Zoning Director to determine whether the subject property could be used as a two-family dwelling. In a response letter dated September 20, 2017, the Director determined that, based on City records and materials provided by the appellant, the subject property, along with the properties at 609 and 611 Cameron Street, were all separated by party walls. As such, the Director determined these dwellings met the Zoning Ordinance townhouse definition. The Director also determined that an additional dwelling unit on the subject property would be considered a townhouse and that the RM zone would require it to be on its own lot.

### *Current Determination*

Subsequently, in two letters (Attachments 3 and 4) both dated March 25, 2020, the appellant provided additional material and requested that the Director void the previous determination. The appellant again asked the Director to determine that the subject property could be used as a two-family dwelling. The Director issued a letter dated June 2, 2020 upholding his 2017 determination. Upon further review, staff determined that one of the March 25 letters provided additional facts and new documentation. Staff determined that the appellant's submission included consequential new information that justified further review.

Based on the additional material and new facts provided by the appellant, the Director issued a revised determination letter dated July 13, 2020, which the appellant has appealed.

In this letter, the Director determined that the subject property could be classified as either a two-family or townhouse dwelling. As a two-family dwelling with the adjacent dwelling at 609 Cameron Street, the additional dwelling unit proposed by the appellant would constitute a third dwelling unit within the same building. The Director determined that this would constitute a multifamily dwelling, and that this use would not be permitted because the RM zone does not permit multifamily dwellings.

Further, the Director determined that if the subject property were developed with a townhouse dwelling, the additional dwelling unit would also be considered a townhouse dwelling. The Director relied on Zoning Guidance Memo #58 (Attachment 5) which states that a townhouse dwelling must be on its own lot.

## **II. Basis for Determination**

### *Director determinations.*

In making this determination, the Director needed to establish the existing conditions of the property based on information both presented by the appellant and within City records. The Director then applied the Zoning Ordinance to the existing conditions to address the question being asked. With the March 25, 2020 determination requests, the appellant supplied several arguments and exhibits to support the proposed use of the subject property. The Director evaluated these and City records in making his determination. Analysis of the appellant's arguments and exhibits follow.

The Director reviewed the appellant's arguments and exhibits and City records that show the existing configurations of the dwellings at the subject property and those at 609 and 607 Cameron Street. This analysis was completed to determine what dwelling types exist on the aforementioned properties pursuant to the Zoning Ordinance dwelling definitions. To determine what is permitted on any property in the City, the existing use needs to first be established. Because of this, the configuration of these dwellings is the most relevant fact to establish whether the appellant's proposed use of the subject property would comply with the Zoning Ordinance.

### *Subject property is a two-family dwelling.*

Zoning Ordinance Section 2-140 defines two-family dwellings as follows:<sup>1</sup>

A building designed for or intended to be occupied by not more than two families living independently of each other. This use shall include both duplex (one dwelling unit above another in a single detached building) and semi-detached (two dwelling units having a common vertical party wall) dwellings. In the case of a semi-detached dwelling, no less

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<sup>1</sup> On September 12, 2020, the City Council approved text amendments to the Zoning Ordinance that included (among others) updated definitions of townhouse dwellings and two-family dwellings. While they have been approved by City Council, they will not be effective until adoption on October 17, 2020. The amendments remove the term party wall, because it references a specific type of construction of a wall separating two dwellings. Staff proposed removing the party wall terminology. Staff has provided this as information only as the change would not affect the Director's determination. Under either the current or new definition, the appellant's proposed use would be classified as one not permitted by the RM zone.

### *Semi-detached two-family dwellings*

Zoning Ordinance Section 2-140 (post-October 17, 2020) defines two-family dwellings as follows:

A building designed for or intended to be occupied by not more than two families living independently of each other. This use shall include both duplex (one dwelling unit above another in a single detached building) and semi-detached (two dwelling units having common vertical walls) dwellings. In the case of a semi-detached dwelling, no less than 50 percent of the common wall of one of the two dwelling units shall be opposite the common wall of the other.

than 50 percent of the common party wall of one of the two dwelling units shall be opposite the common party wall of the other.

For two dwelling units to be considered a semi-detached, two-family dwelling, they must:

- Have a common vertical party wall and
- The common party wall shall have overlap at least 50 percent of its entire length.

The term party wall references a specific type of construction that separates two dwellings. Staff routinely relies on the existence of party walls to determine whether a dwelling is detached or attached. In most cases, staff relies on survey plats that label the separation between dwellings to establish whether there is a party wall or abutting walls. Staff gives significant weight to survey plats because surveyors are neutral third parties that must be licensed to practice in the Commonwealth. Further, surveyors certify that the information they provide is accurate. Each of the below listed plats, completed by different surveyors, indicate the existence of party walls between the dwelling units on the subject property and at 609 Cameron Street.

- May 11, 1966: 609 Cameron Street survey plat (provided by appellant)
- April 21, 1977 (updated May 20, 1978): survey plat showing multiple addresses including subject property (provided by appellant)
- May 10, 2007: 609 Cameron Street survey plat (Attachment 6, City records)
- August 2, 2010: 611 Cameron Street survey plat (Attachment 7, City records)

The appellant provided a survey plat of resubdivision dated June 5, 1964 that shows a common wall between the subject property's dwelling and the property at 609 Cameron Street. This wall is not labeled. Additionally, it is common for resubdivision plats to include fewer or no details related to existing dwellings since the purpose of these plats is to show changes to lot lines.

The appellant also states that the existing dwelling unit could not be considered a two-family dwelling because "there is no clear evidence that the rear portion of the property has a party wall." The appellant states that the "property owner does not believe that at least '50 percent of 609 Cameron Street' is 'opposite the common party wall of the property' and therefore the two properties fail to meet the definition of a 'two-family dwelling' under the ordinance." Staff reviewed several plats and found that 77 feet of the "common party wall" of the subject property is opposite the 85-foot "common party wall" of 609 Cameron Street. This equates to 91 percent, well exceeding the 50 percent requirement.

The appellant states that the subject property and the adjacent dwelling are developed with two separate buildings. The Director disagrees and finds the Zoning Ordinance definition of building, "a structure having a roof for the shelter, support or enclosure of persons... or property of any kind" would include both dwelling units at the subject property and 609 Cameron Street. The two-family dwelling definition also states that two dwelling units within a two-family dwelling shall be considered one building as a whole, even if each unit is on a separate lot of record. The Director was not persuaded by the appellant's evidence to the contrary as follows.

The appellant states that "...the buildings at 609 and 611 Cameron Street have always been considered separate buildings for all purposes, including zoning." The appellant submitted a fire

insurance certificate (dated 1795) and a newspaper advertisement (dated 1801) as support that the existing dwelling unit on the subject property is a separate building. The Director was not persuaded by these exhibits. The Director found the fire insurance certificate to be almost completely illegible. Because of this, the Director could not conclude that the “two buildings” referenced therein refer to the subject property and adjacent dwelling unit at 609 Cameron Street. Further, the connection it is not clear between how structures were insured in 1795 and how the Zoning Ordinance is applied and enforced today. The newspaper ad describing the lease of the subject property is not necessarily persuasive either. Newspaper ads are crafted by the customer and any descriptive language can be used without review, particularly not by a zoning official. Furthermore, both the fire insurance certificate and newspaper ad predate the City’s adoption of the Zoning Ordinance. Descriptions used at the time varied from those used today, especially in the zoning context.

The appellant also states that staff then considered the dwelling units located on the subject property and the adjacent one at 609 Cameron Street as two separate buildings because the 1978 SUP report included the statement “the applicants...propose to use the entire building for professional office uses.” The appellant continues that “the City permitted the Property to be used for commercial uses and the adjacent building at 609 Cameron Street as a family dwelling.” The appellant then relies on two incorrect statements to support this interpretation. First, that the RC zone did not permit two-family dwellings. Second, that the RC zone did not permit business/professional office and residential uses within the same building. The appellant’s assertions related to the 1978 SUP are incorrect. Prior to 1992, when this SUP was active, the RC zone did permit two-family dwellings (Attachment 8). It also permitted business/professional office uses to be located within residential buildings. Because the appellant’s argument relied on incorrect facts to draw the conclusion that staff considered the dwelling units at the subject property and 609 Cameron Street to be separate buildings, the Director finds the appellant’s interpretation of language written by staff in 1978 to be unpersuasive.

The Director concedes that the subject property is not a townhouse dwelling. The appellant submitted a “Boundary Line Agreement,” dated January 15, 1963, that includes the language “...at the joint between the west wall of No. 607 Cameron Street and the east wall of No. 609. Cameron Street...” The appellant concluded that this language describes two abutting walls and not party walls between the properties at 607 and 609 Cameron Street. A review of City records further revealed that staff has consistently determined the property at 607 Cameron Street to be a single-family dwelling. Given the foregoing, staff now determines that the 607 Cameron Street dwelling is not a townhouse. Therefore, the subject property could not be considered a townhouse dwelling.

*Proposed use of the subject property.*

The appellant states that the proposed use of the subject property (i.e. the addition of a dwelling unit there) would constitute “...only one two-family unit on one lot...” Staff disagrees with this characterization finding that the existing dwelling unit that occupies the subject property is currently one-half of a semi-detached, two-family dwelling. As such, the appellant’s proposed use would not be a semi-detached two-family dwelling, but rather the addition of another dwelling unit to the existing semi-detached, two family dwelling at 611 and 609 Cameron Street.

To justify the proposal, the appellant cites the RM zone lot size requirement which states that “each single-family, two-family and townhouse dwelling unit shall be on a lot with a minimum land area of 1,452 square feet.” The appellant states that if the lot were developed with a two-family dwelling, it would meet this requirement because the subject property provides a 6,000 square-foot lot size. The appellant further states that, unlike the R-2-5 zone, the RM zone establishes lot requirements that allow for semi-detached, two-family dwellings to be located on one lot. Staff agrees that a semi-detached, two-family dwelling could be located on the subject property in compliance with the RM zone lot requirements. However, the appellant fails to address the RM zone’s bulk and open space requirements; the side yard requirements being most relevant to this case. The RM zone side yard requirements state that “each single and two-family dwelling shall provide two side yards of a minimum size of five feet.” The existing dwelling unit provides no east side yard and is attached to the dwelling unit adjacent at 609 Cameron Street. If staff were to ignore the existing configuration of the subject property and accept the appellant’s incorrect statement that the proposed use would constitute a two-family dwelling on the subject property, the appellant’s proposed use would result in a dwelling type not permitted by the RM zone. Pursuant to Zoning Ordinance Section 3-1104, “any use which is not a permitted, special or accessory use pursuant to this section 3-1100 is prohibited.”

Additionally, the appellant’s discussion of other zones with respect to her assertion that a two-family dwelling is permitted on one lot in the RM zone is not pertinent. The relevant facts here are the existing conditions of the subject property: that there is a party wall between the dwelling units on the subject property and 609 Cameron Street. The Director found that the subject property is already developed with one-half of a semi-detached two-family dwelling. This finding precludes the development of another unit on the subject property as the appellant proposes. This negates the need to assess whether a two-family dwelling is allowed on one lot in the RM zone.

Regardless, the City acknowledges that other zones have requirements that differ from those of the RM zone and that those zones specifically address the lot requirements for two-family dwellings. Additionally, the City agrees that in the RM zone two-family dwellings are a permitted use and that they can be located on one lot.

Also, the appellant’s assertion that if the subject property and 609 Cameron Street were determined to be a two-family dwelling the lot requirements of Section 3-1105(B) would be violated is incorrect. The assertion relates to the following language of Section 3-1105(B)(1), “Each single-family, two-family and townhouse dwelling unit shall be located on a lot...” In the RM zone, dwelling units within a two-family building may be located either on a single lot or on separate lots.

### **III. Conclusion**

Based on the foregoing, the Director’s determination that the subject property is a two-family dwelling with 609 Cameron Street and thus an additional dwelling unit on the subject property would not be permitted under the Zoning Ordinance was reasonable and should be upheld.



**APPEAL APPLICATION  
BOARD OF ZONING APPEALS**

BZA Case # \_\_\_\_\_

**ATTACHMENT #1**

**Identify the order, requirement, decision or determination that is the subject of the appeal. Attach one copy to the application.**

Director of Department of Planning and Zoning Determination Letter to James B. Michels dated July 13, 2020.

**On what date was the order, requirement, decision or determination made?**

July 13, 2020

**\*The appeal must be filed within 30 days from the date that the order, requirement, decision or determination was made.**

**PART A**

1. **Applicant:**      **Owner**      **Contract Purchaser**      ✓ **Agent**

**Name** Clarissa K. Pintado, Esq.

**Address** Fiske Law Group, PLLC

100 N. Pitt St., Ste. 206, Alexandria, VA 22314

**Daytime Phone** (703) 518-9910

**Email Address** cpintado@fiskelawgroup.com

2. **Property Location** 611 Cameron Street, Alexandria VA 22314

3. **Assessment Map #** 064.04      **Block** 08      **Lot** 09      **Zone**

RM

4. **Legal Property Owner Name** James B. Michels

**Address** 611 Cameron Street, Alexandria, Virginia 22314

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5. If the 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 license prior to filing application.

✓ Business license has been applied for

**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:**

Clarissa Pintado

**Print Name**

  
**Signature**

08/12/2020

**Date**

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.



# 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 ten 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.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 611 Cameron St., Alexandria, Virginia 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. <u>James B. Michels</u>	<u>611 CAMERON ST</u>	<u>100%</u>
2.		
3.		

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

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. <u>James B. Michels</u>	<u>None</u>	<u>None</u>
2.		
3.		

**NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.**

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


08/12/2020

Date

Printed Name

Signature

Clarissa K. Pintado, Esq.



**BZA Case #** \_\_\_\_\_

**PART B**

- 1. Why do you believe the order, requirement, decision or determination is incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages, if necessary.**

Please see attached Appeal.

**Address:** 611 Cameron Street, Alexandria, Virginia 22314

**Zone:** RM/Townhouse Zone (the “RM Zone”)

**Appellant:** James B. Michels, Property Owner (by counsel, Clarissa K. Pintado, Esq.)

**Issue:** Appeal of determination by the Director that Property and Existing Building Thereon Cannot be Used and Occupied as a Two-Family Dwelling

**APPEAL TO THE ALEXANDRIA BOARD OF ZONING APPEALS**  
**OF DETERMINATION BY CITY OF ALEXANDRIA**  
**DEPARTMENT OF PLANNING AND ZONING**

James B. Michels (hereinafter “Property Owner”), owner of the property located at 611 Cameron Street (the “Property”), by counsel, appeals the July 13, 2020 determination (the “July 13, 2020 Determination”) of the Director of Planning and Zoning for the City of Alexandria, Karl Moritz (the “Director”), that the “dwelling on the subject property could be considered either a semi-detached two-family or a townhouse dwelling” and the “subject property cannot be used and occupied as a two-family dwelling as proposed.” See July 13, 2020 Determination attached hereto as Exhibit A. The Property is in the RM Zone, which permits an owner to have a two-family dwelling on a single lot, which is precisely what Property Owner has requested.

**I. BACKGROUND**

Over the past four years, the City of Alexandria Department of Planning and Zoning (the “City”) has provided Property Owner with a variety of conflicting answers to the question of whether the Property and the existing building thereon can be used as a two-family dwelling, including its first answer to that question in 2016 in the affirmative. Later, in 2016, the City informed Property Owner that it was impermissible to use the Property as a two-family dwelling because his Property was already part of an existing two-family dwelling on the adjacent lot at 609 Cameron Street. A 2017 determination request by Property Owner resulted in a determination by the City that his house was not a two-family dwelling, but instead a townhouse. Upon his discovering new information that voided that 2017 determination, Property owner filed a new determination request, and the City responded with its most recent July 13, 2020 Determination in which it concluded, rather inconclusively, that the Property’s current use “could be considered either a semi-detached two family or townhouse dwelling” and that the proposed use would constitute a third dwelling unit in the same building or a second townhouse on the same lot, which is impermissible in the RM zone.

**II. STANDARD OF REVIEW**

The power of the Board of Zoning Appeals to review the decisions of a zoning administrator is provided for under Virginia Code § 15.2-2309(3). “In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from.” Va. Code § 15.2-2312. “It is an appropriate function of the board to reverse a decision of a zoning official where the board determines that the decision is contrary to the plain meaning of the ordinance and the legislative intent expressed therein. The board owes no deference to the zoning official in that circumstance.” *Higgs v. Kirkbride*, 258 Va. 567, 575 n.4 (1999). The Supreme Court of Virginia has further stated:

In considering the deference which must be afforded to zoning officials in such cases, we have said that while “statutes and ordinances delegating zoning authority may be broadly construed to prevent zoning officials from becoming unnecessarily hamstrung in their efforts to enforce zoning ordinances, administrative zoning actions must be grounded within the statutory framework provided.” Foster, 248 Va. at 569, 449 S.E.2d at 806 (citations omitted). In doing so, “the words of the ordinance are to be given their plain and natural meaning. The purpose and intent of the ordinance should be considered but the ordinance should not be extended by interpretation or construction beyond its intended purpose.” Donovan v. Board of Zoning Appeals, 251 Va. 271, 274, 467 S.E.2d 808, 810 (1996) (citations omitted).

Id. at 573 (1999). Furthermore, “[a]n erroneous construction by those charged with its administration cannot be permitted to override the clear mandates of a statute.” Segaloff v. Newport News, 209 Va. 259, 261, 163 S.E.2d 135, 137, 1968 Va. LEXIS 224 (citing Richmond v. County of Henrico, 185 Va. 176, 189, 37 S.E.2d 873, 879 (1946)).

### III. ARGUMENT

#### a. Compliance with Zoning Ordinance

Pursuant to the Zoning Ordinance of the City of Alexandria (the “Ordinance”) § 3-1102, the “Permitted Uses” within the RM/Townhouse zone include (A) single-family dwelling, (B) two-family dwelling, and (C) townhouse dwelling, among others. The RM zone is established to provide and maintain land areas for medium density residential neighborhoods of single-family, two-family and townhouse dwellings. § 3-1101. Property Owner proposes to use his Property as a two-family dwelling as permitted by the Ordinance.

The City, in its July 13, 2020 Determination, has taken the “either/or” approach in denying Property Owner’s request: The Property is currently *either* a townhouse *or* one half of a two-family dwelling with the property at 609 Cameron Street. The reality is that the Property is *neither*, and the City’s determination is contrary to the plain meaning of the Ordinance and the legislative intent expressed therein, and prevents Property Owner from using his Property as permitted under the Ordinance.

#### b. The Property Is Not a Two-Family Dwelling with the Property at 609 Cameron Street.

**Under the proposed use, there would be only one two-family unit on one lot**, which would be in compliance with the Ordinance. The RM/ zone regulations provide that “Each single-family, two-family and townhouse dwelling unit shall be **on a lot** with a minimum land area of 1,425 square feet.” Ordinance § 3-1105(B)(1) (emphasis added). The proposed use of the Property as a two-family dwelling would be located on a lot of 6,000 square feet, well in excess of the 1,452 minimum lot size requirements of the RM Zone regulations.

Unlike other zones in Alexandria under the Ordinance, the RM Zone under Ordinance § 3-1105(B)(1) does not distinguish between duplex and semi-detached two-family dwellings, nor does the ordinance provide specific width requirements to indicate that each unit must be located on its own lot. This clearly indicates that the drafters of the Ordinance intended to treat both types of two-family dwellings in the RM Zone uniformly, allowing two-family dwellings of either type to be constructed, used, and occupied on **one** 1,452 square foot lot. In contrast, for example, the R-2-5 zone regulations specifically and uniquely require that “each dwelling in a semi-detached building shall be located **on its own lot**, each of which shall contain 2,500 square feet of land area . . . .” Ordinance § 3-505(A)(2) (emphasis added). The R-2-5 zone further requires that for two-family semi-detached dwellings “the width of **each lot** shall be 37.5 feet.” Ordinance § 3-505(B) (emphasis added). The R-2-5 zone regulations also distinguish duplex dwellings, requiring such buildings to “be located **on a lot** with a minimum land area of 5,000 square feet. . . .” Ordinance § 3-505(A)(3) (emphasis added). Applying accepted canons of statutory interpretation, the Director’s July 13, 2020 Determination flies in the face of the clear legislative intent that a two-family dwelling be permitted **on a single lot** in the RM Zone. The unique R-2-5 distinction between the R-2-5 zone regulations and all other two-family zone regulations was without question crafted intentionally to create a different scheme of development for R-2-5 zoned properties.

Many of the commercial zones in Alexandria also have specific requirements for two-family semi-detached dwellings, which the RM Zone does not have. For example, zones CL/Commercial low, CC/Commercial Community, CSL/Commercial Service low, CG/Commercial General, CD-X/Commercial Downtown, and OC/Office Commercial, all provide, “Each single-family dwelling shall be located **on a lot** with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area **for each dwelling unit.**”) (Emphasis Added). See Matrix attached as Exhibit B for further comparison. The differences in specific criteria for two-family dwellings between the zones in Alexandria creates a deliberate development scheme that permits a two-family dwelling on one lot in the RM zone.

The Director’s argument that an additional dwelling on the Property would render the building a multifamily dwelling with the building on the adjacent lot at 609 Cameron Street is wrong. Ordinance § 2-137 defines a multi-family building as “a building or portion thereof containing three or more dwelling units, located **on a single lot or parcel of ground.**” (Emphasis added).

Furthermore, the buildings at 609 and 611 Cameron Street have always been considered separate buildings for all purposes, including zoning. The subject property was built in 1796. Since its construction, it has been described and intended to operate as a separate building from the property located at 609 Cameron Street. See Exhibit C. John Bogue, the builder, insured his “two buildings” on Cameron Street in 1798. John Bogue later placed an ad “To Let” the “two story brick house” that included a “nursery and lodging room” located at 611 Cameron Street. See Exhibit D.

In more recent years, too, the City considered the property at 611 Cameron Street as a separate building. See plat map dated June 5, 1964, attached as Exhibit E. From 1951 to 1992,

the property was zoned RC Residential. SUP #1175 was granted by the City Council on May 13, 1978. See Exhibit F. It stated that the applicant proposed to “use *the entire building* for professional office uses.” The City permitted the Property to be used for commercial uses and the adjacent building at 609 Cameron Street as a family dwelling. Notably, a two-family dwelling has never been permitted in the RC Residential zone, nor has the use of a single building for both office spaces and a family dwelling been permitted in the RC Residential zone.

There is no clear evidence that the rear portion of the property has a party wall. Property Owner does not believe that at least “50 percent of the common party wall of 609 Cameron Street is “opposite the common party wall of the [Property]” and therefore the two properties fail to meet the definition of a “two-family dwelling” under the ordinance. Ordinance § 2-140.

Furthermore, if the present use of 611 Cameron Street and 609 Cameron Street were determined to be as a two-family dwelling, thereby preventing the owner of 611 Cameron Street from using the property as a two-family dwelling, it would violate the lot requirements under Ordinance § 3-1105(B), which state that each single-family, two-family and townhouse dwelling unit shall be located on a lot . . .” (Emphasis added.)

#### **c. The Property Is Not a Townhouse.**

Nor is the Property a townhouse, contrary to the Director’s conclusion in his July 13, 2020 Determination. The Ordinance defines a townhouse as “One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement to roof or roofs.” A “Boundary Line Agreement” recorded at Deed Book 569 Pg. 267, made in 1963, which is attached hereto as Exhibit G, and the surveys attached as Exhibit H, makes clear that the walls between the properties located at 607 and 609 are abutting walls, **and not a party wall, meaning there are not three or more dwelling units separated by party walls to meet the definition of a “townhouse.”**

#### **d. Additional RM Zone Requirements are Met.**

The Property meets the other area requirements under the Ordinance as well. The RM Zone requires single-family and two-family duplex dwellings to have a minimum lot width at the front building line and the minimum lot frontage at the front lot line to be no less than 25 feet. For two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit. Ordinance § 3-1105(C). In this case, the lot width at the front building line is 50 feet, meeting the minimum required frontage under either scenario. Furthermore, the proposed use would comply with Bulk and Space Regulations of Ordinance § 3-1106. The Property has four parking spaces, and 45% open space, not including the parking spaces or driveway.

### **IV. CONCLUSION**

For the foregoing reasons, Property Owner requests that the July 13, 2020 Determination be reversed and that the Board of Zoning Appeals hold that the Property and the building thereon may be used and occupied as a two-family dwelling.

# EXHIBIT A



**DEPARTMENT OF PLANNING AND ZONING**

301 King Street, Room 2100

Alexandriava.gov

Phone (703) 746-4666

July 13, 2020

James B. Michels  
c/o Clarissa K. Pintado  
The Fiske Law Group, PLLC  
100 North Pitt Street, Suite 206  
Alexandria, VA 22314

RE: 611 Cameron Street

Dear Mr. Michels:

I am responding to your two requests dated March 25, 2020. One request being to void a previous determination letter dated September 20, 2017 in which staff determined that the subject property located at 611 Cameron Street is occupied by a townhouse dwelling. The second being a request for a determination that, based on new documentation and research, the subject property located at 611 Cameron Street could be used as a two-family dwelling.

In determining whether a dwelling is a single-family, two-family, townhouse or multifamily dwelling, staff relies on the Zoning Ordinance definitions of these structures as well as the dwelling unit definition. Section 2-140 defines a two-family dwelling as follows:

A building designed for or intended to be occupied by not more than two families living independently of each other. This use shall include both duplex (one dwelling unit above another in a single detached building) and **semi-detached (two dwelling units having a common vertical party wall) dwellings**. In the case of a semi-detached dwelling, no less than 50 percent of the common party wall of one of the two dwelling units shall be opposite the common party wall of the other.

Section 2-138 defines a townhouse dwelling as follows:

One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement to roof or roofs.

Based on Exhibit D of your submission, a survey plat dated April 21, 1977, the dwelling shares a party wall with and is attached to the adjacent dwelling at 609 Cameron Street. The same survey plat does not identify the wall separating the dwellings at 607 and 609 Cameron Street. Exhibit C, regarding the boundary line agreement between 609 and 607 Cameron Street, describes the separation between the two dwellings as a "...joint between the east wall of 609 and west wall of 607..." Staff determined that because the agreement specifically mentions two walls, the separation between those two dwellings are abutting walls. In summary, based on these exhibits,



staff determined that the dwelling on the subject property is separated from the dwelling at 609 Cameron Street by a party wall and that the dwelling on 609 Cameron Street could be separated from the dwelling on 607 Cameron Street by abutting walls.

Based on the information provided, staff determined that the dwelling on the subject property could be considered either a semi-detached two-family or a townhouse dwelling. As a two-family dwelling, the subject property would already constitute two dwelling units within a single building. The additional unit under the proposed use would constitute a third dwelling unit in the same building. Staff would determine this use to be a multifamily dwelling as defined by Zoning Ordinance section 2-137: "a building or portion thereof containing three or more dwelling units, located on a single lot or parcel of ground." Multifamily dwellings are not permitted in the RM zone.

As a townhouse dwelling, the additional dwelling unit on the subject property would be considered another townhouse unit. Townhouse dwellings must be located on their own lots pursuant to Zoning Guidance Memo #38 (enclosed).

Staff determined that the subject property cannot be used and occupied as a two-family dwelling as proposed. This determination is based on the information provided with your letters dated March 25, 2020. If any of the information is incorrect, this determination may be void.

Sincerely,



Karl Moritz  
Director, Planning and Zoning

*Please be advised that this notice of violation, written order, requirement, decision or determination of the Director may be appealed to the Board of Zoning Appeals by any person aggrieved by the decision of the Director or any officer, department, board, commission or agency of the City affected by the decision of the Director within thirty (30) days from the date of the decision. The decision is final and unappealable if not appealed within thirty (30) days. The cost for such appeal is \$385.00 and additional information regarding how to file the appeal may be found in Zoning Ordinance Section 11-1200.*

# EXHIBIT B

Zone	Semi-Detached Lot Size Language	Frontage Language
R-20	[Two-Family Dwelling not permitted]	
R-12	[Two-Family Dwelling not permitted]	
R-8	[Two-Family Dwelling not permitted]	
R-5	[Two-Family Dwelling not permitted]	
R-2-5	<p>Each principal use shall be located on a lot with a minimum land area of 5,000 square feet, except in the case of a corner lot in which case the minimum land area shall be 6,500 square feet. . . .</p> <p>Each dwelling in a semi-detached building shall be located on its own lot, each of which shall contain 2,500 square feet of land area, except in the case of a corner lot in which case the dwelling requires a minimum of 4,000 square feet.</p> <p>...and in the case of a two-family semi-detached dwelling, in which case the width of each lot shall be 37.5 feet.</p>	<p>except in the case of a two-family semi-detached dwelling, in which case the minimum lot frontage shall be 37.5 feet for each dwelling unit.</p>
RA/Multifamily	<p>Each single-family, two-family and townhouse dwelling unit shall be located on a lot with a minimum land area of 1,980 square feet; provided however that in the case of unusual circumstances or exceptional design, a minimum land area of 1,600 square feet for such each dwelling unit may be provided if approved pursuant to a special use permit.</p>	<p>For all buildings other than townhouse dwellings, the minimum lot width at the building line and the minimum lot frontage at the front lot line shall be 50 feet. In the case of two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.</p>
RB/Townhouse	<p>Each dwelling unit shall be located on a lot with a minimum land area of 1,980 square feet; provided however that in the case of unusual circumstances or exceptional design, a minimum land area of 1,600 square feet for each dwelling unit may be provided if approved pursuant to a special use permit.</p>	<p>For all buildings other than townhouse dwellings, the minimum lot width at the building line and the minimum lot frontage at the front lot line shall be 50 feet. In the case of two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.</p>

RCX/Medium	[Two-Family Dweling not permitted]	
RC/High	[Two-Family Dweling not permitted] but note: "Each structure containing multifamily dwellings shall be located on a lot with a minimum of 800 square feet of land area <b>for each dwelling unit.</b> " (Emphasis added)	
RD/High	[Two-Family Dweling not permitted]	
RM/Townhouse	Each single-family, two-family and townhouse dwelling unit shall be located on a lot with a minimum land area of 1,452 square feet.	For single-family and two-family duplex dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 25 feet. For two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.
RS/Townhouse	[Two-Family Dweling not permitted]	
RT/Townhouse	[Two-Family Dweling not permitted]	
RMF/Residential	[Two-Family Dweling not permitted]	
CL/Commercial Low	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit,

CC/Commercial Comm	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit,
CSL/Commercial Serv.	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit,
CG/Commercial Gen.	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit,
CD/Commercial Down.	Each multifamily structure shall provide a minimum land area of 1,245 square feet per dwelling unit except that the minimum land area for each dwelling unit may be reduced to an amount no lower than 800 square feet with a special use permit. Each single-family, two-family and townhouse dwelling shall provide a minimum land area of 1,452 square feet.	For single-family and two-family duplex dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 25 feet. For two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.

CD-X/Commercial	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.
CR/Commercial Reg.	[Two-Family Dwelling not permitted]	
OC/Office	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. Each multifamily or townhouse use shall provide a minimum land area of 800 square feet for each multifamily dwelling unit or 1,600 square feet for each townhouse unit.	When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit,
OCM(50)/Office	For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet.	When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.
OCM(100)/Office Med.	For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet.	When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

OCH/Office	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area <b>for each dwelling unit.</b> (emphasis added).	When measured at both the front lot line and the front building line, each single-family dwelling, and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.
I/Industrial Zone	[Two-Family Dwelling not permitted]	
UT/Utilities and Trans.	[Two-Family Dwelling not permitted]	
NR/Neighbor. Retail Arlandria	[Two-Family Dwelling not specifically permitted]	
CRMU-L/Commercial Res. Low	Lot size. Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.
CRMU-M/Commercial Mixed	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.
CRMU-X/Commercial Mixed	Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.	Frontage. When measured at both the front lot line and the front building line, each single family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

W-1/Waterfront	Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations, such as yards, floor area ratio and parking.	For all other principal uses, there shall be no minimum lot and building line requirements except those which occur as a result of other applicable regulations.
CDD/Coordinated Dev. Dist.	[No specific Two-Family Dwelling Provisions]	



# EXHIBIT C

N. 166.

Form of the Declarations for Assurance.

I the underwritten *John Boyer* residing at *Richmond* in the county of *Townsend* do hereby declare for Assurance in the Mutual Assurance Society against Fire on Buildings of the State of Virginia, established the 20th December, 1795. Agreeable to the several acts of the General Assembly of this State, to wit:

My *two* Buildings on *Commonwealth of Richmond* now occupied by *Andrew Hanmer* situated between the *Bank* and that of *my neighbor* in the county of *Townsend*. Their dimensions, situation and contiguity to other buildings or wharves, what the walls are built of, and what the buildings are covered with, are specified in the hereunto annexed description of the said Buildings on the plat, signed by me and the appraisers, and each valued by them as appears by their certificate here under, to wit:

The <i>first</i> house marked A.	at 2750 Dollars,	say <i>two thousand &amp; fifty</i> Dollars
The <i>second</i> do. B.	at 600 do.	<i>six hundred</i> do.
The do. C.	at - - - do.	do.
The do. D.	at - - - do.	do.
The do. E.	at - - - do.	do.
The do. F.	at - - - do.	do.
The do. G.	at - - - do.	do.

say *three thousand & five hundred & fifty* Dollars in all.

I do hereby declare and affirm that the above mentioned property is not, nor shall be insured elsewhere, without giving notice thereof, agreeable to the policy that may issue in my name, upon the filing of this declaration, and provided the whole sum do not exceed four-fifths of the verified value, and that I will abide by, observe, and adhere to the Constitution, Rules and Regulations as are already established, or may hereafter be established by a majority of the insured, present in person, or by representatives, at a general Meeting to be agreed upon for the said Assurance Society. Witness my hand and seal at *Richmond* the *fourth* day of *Oct* 1798.

We the underwritten, being each of us House-Owners, declare and affirm that we have examined the above mentioned Property of *John Boyer* and that we are of opinion that it would cost in cash *three thousand & five hundred* Dollars to build the same, and is now actually worth *three thousand & five hundred* Dollars in ready money, and will command the same as above specified to the best of our knowledge and belief.

Sc.

The foregoing valuation *above* in due form before me, a Magistrate for the said *Town* of *Richmond*. Given under my hand this *fourth* day of *Oct* in the year 1798.

*And* *William* Residing in *Richmond*  
*Robert G. Langhorne*

*Sarah Thompson*

*Commonwealth of Virginia*  
*County of Richmond*  
*District of Court*  
*Quarrells A house*  
*built of Brick*  
*stone high corner*  
*with good roof*  
*28 feet by 18 feet*

*Value of house*  
*1200*  
*Value of contents*  
*100*  
*Value of land*  
*100*

# EXHIBIT D

house, from London.

**A** QUANTITY of DRUGS, PATENT  
MEDICINES, DYE-STUFFS,  
PAINTS, &c. Likewise a fresh assortment of  
GARDEN SEEDS, of the best quality, and  
a few bushels of RED CLOVER SEED,  
which he will sell low for cash, or to particular  
customers on a short credit.

April 30, 1801.

cod3t

## TO LET,

And possession given immediately.  
**A** WELL FINISHED two story, BRICK  
HOUSE, with a Brick Kitchen, Nur-  
sery and lodging-room above the same, a stable  
for three horses, with a garden, situate on Ca-  
meron street, adjoining Mr. Thomas Irvin's.

Also, a convenient Frame HOUSE on Al-  
fred street (near the George-town turnpike)  
containing six rooms, a kitchen, a stable and  
chair house, a garden of half an acre, in good  
order, with a clover lot adjoining, a well of  
excellent water in the yard—lately occupied by  
the subscriber, who will also sell or let on  
ground rent, several unimproved LOTS ad-  
joining. For terms apply to Capt. James Camp-  
bell, who is legally authorised to rent the same,  
by me

JOHN BOGUE.

Alex. April 30.

thsw3t.

**SALES BY AUCTION.**

**ON SATURDAY NEXT,**

May 2, 1801,

At Ten o'clock, WILL BE SOLD at the  
Auction Room,

BROWN Sugar in

# EXHIBIT E



N. 80° 47' W.

MONUMENT LINE

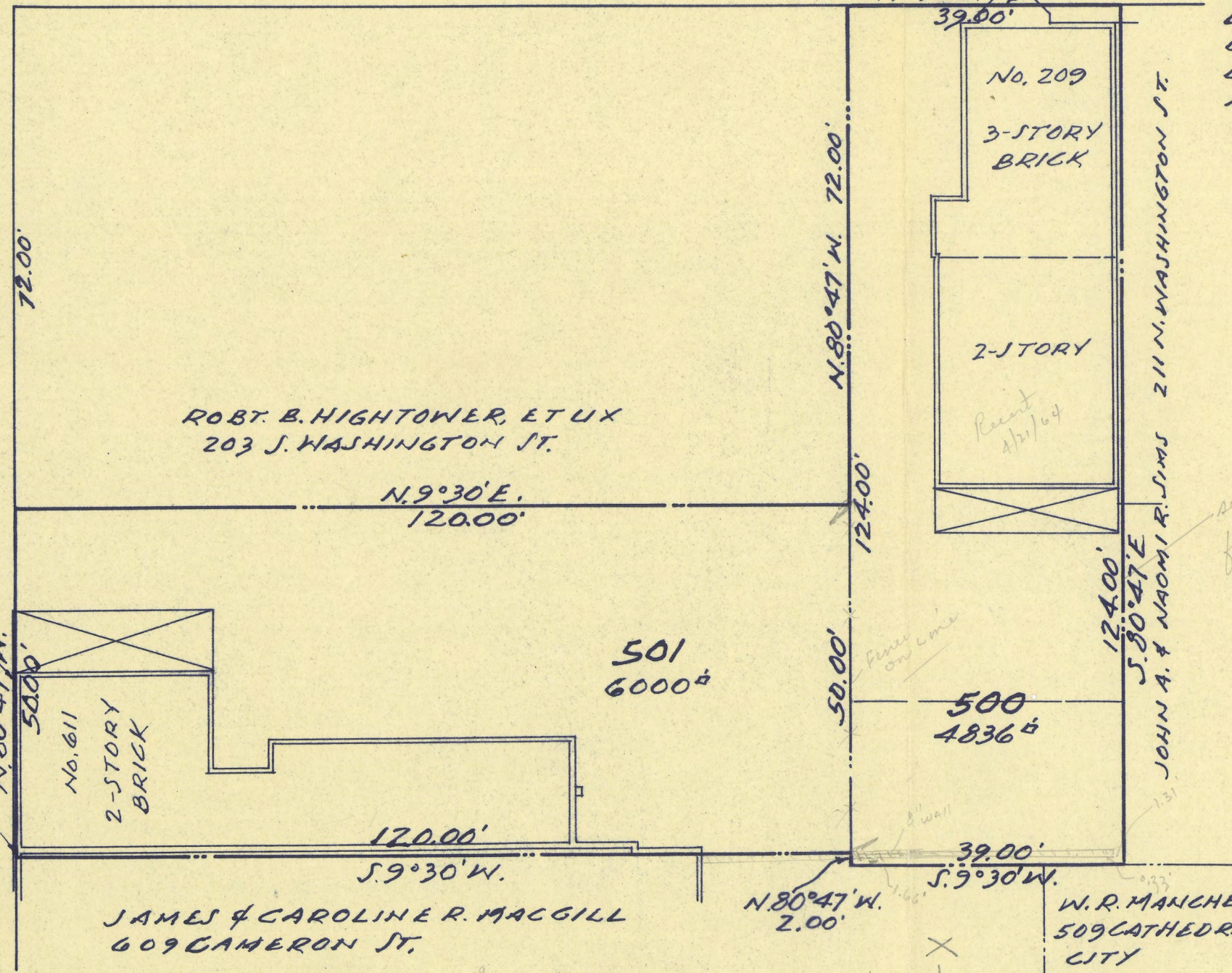
CAMERON ST.

N. 9° 30' E.

WASHINGTON ST., NORTH  
(100' WIDE)

50.04'

33.00'



ROBT. B. HIGHTOWER, ET UX  
203 J. WASHINGTON ST.

No. 611  
2-STORY  
BRICK

JAMES & CAROLINE R. MACGILL  
609 CAMERON ST.

No. 209  
3-STORY  
BRICK

2-STORY

JOHN A. & NAOMI R. SIMS 211 N. WASHINGTON ST.

W. R. MANCHESTER, TR.  
509 CATHEDRAL DR.  
CITY

PROPERTY ZONED "R-C"

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PARCEL OF LAND DELINEATED HEREON AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF: THAT IT IS THE SAME LAND CONVEYED TO O. WILSON COPE AND FAYE G. COPE, HIS WIFE BY FIRST NATIONAL BANK, BY DEED DATED JAN. 1, 1936, AND THE SAME LAND DEVISED TO HARRIET C. HULFISH, BY WILL OF DAVID N. HULFISH, DATED APRIL 23, 1956, AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VA. IN D.B. 126, P. 13, AND W.B. 52, P. 316, RESPECTIVELY, AND IS WITHIN THE BOUNDARIES THEREOF: THAT THE LAND IS LOCATED CORRECTLY WITH RESPECT TO THE MONUMENT LINE AS ESTABLISHED BY THE CITY OF ALEXANDRIA.

JUNE 5, 1964

*Bill J. Cross*  
CERTIFIED SURVEYOR

OWNERS:

HARRIET C. HULFISH O. WILSON & FAYE G. COPE  
611 CAMERON ST. 209 N. WASHINGTON ST.

**PLAT**  
SHOWING RESUBDIVISION  
PREMISES No. 611 CAMERON ST.  
& No. 209 N. WASHINGTON ST.  
ALEXANDRIA, VIRGINIA

**CROSS & GHENT**

CECIL J. CROSS VICTOR H. GHENT  
CERTIFIED PROFESSIONAL ENGINEERS & LAND SURVEYORS  
117 SOUTH COLUMBUS STREET ALEXANDRIA, VIRGINIA  
SCALE 1" = 20' DATE: JUNE 5, 1964  
DRAWN BY: C. REV.  
CHECKED BY: F. N. H.C. 86-37 FILE 86-37-X



# EXHIBIT F

Docket Item # 8  
S.U.P. # 1175

Planning Commission Meeting  
Tuesday, May 2, 1978  
7:30 P.M., City Hall  
Council Chambers

ISSUE:

Request permit to operate professional business offices in the existing building located at 611 Cameron Street and zoned RC, residential; Applicant: Richard H. and Dianne L. Lewis, contract purchasers.

STAFF RECOMMENDATION:

Recommend approval subject to all applicable codes and ordinances and the following conditions:

1. That each professional office use be approved by the Department of Planning and Community Development and City Attorney to determine that they are bonafide professional office uses licensed by the State of Virginia. (P & CD)
2. That the normal hours of operation of the professional office to the public be no earlier than 8:30 A.M. and no later than 6:00 P.M., Monday through Saturday. (P & CD)

PLANNING COMMISSION MEETING OF - MAY 2, 1978

COMMISSION ACTION:

On a motion of Mr. Rosenthal, seconded by Mr. Cockroft, the Planning Commission voted to deny the request.

The motion carried on a vote of 6 - 1. Mr. Kemerow voted against the motion to deny.

CITY COUNCIL MEETING OF MAY 23, 1978

COUNCIL ACTION:

Granted, subject to compliance with all applicable codes, ordinances and staff recommendations.



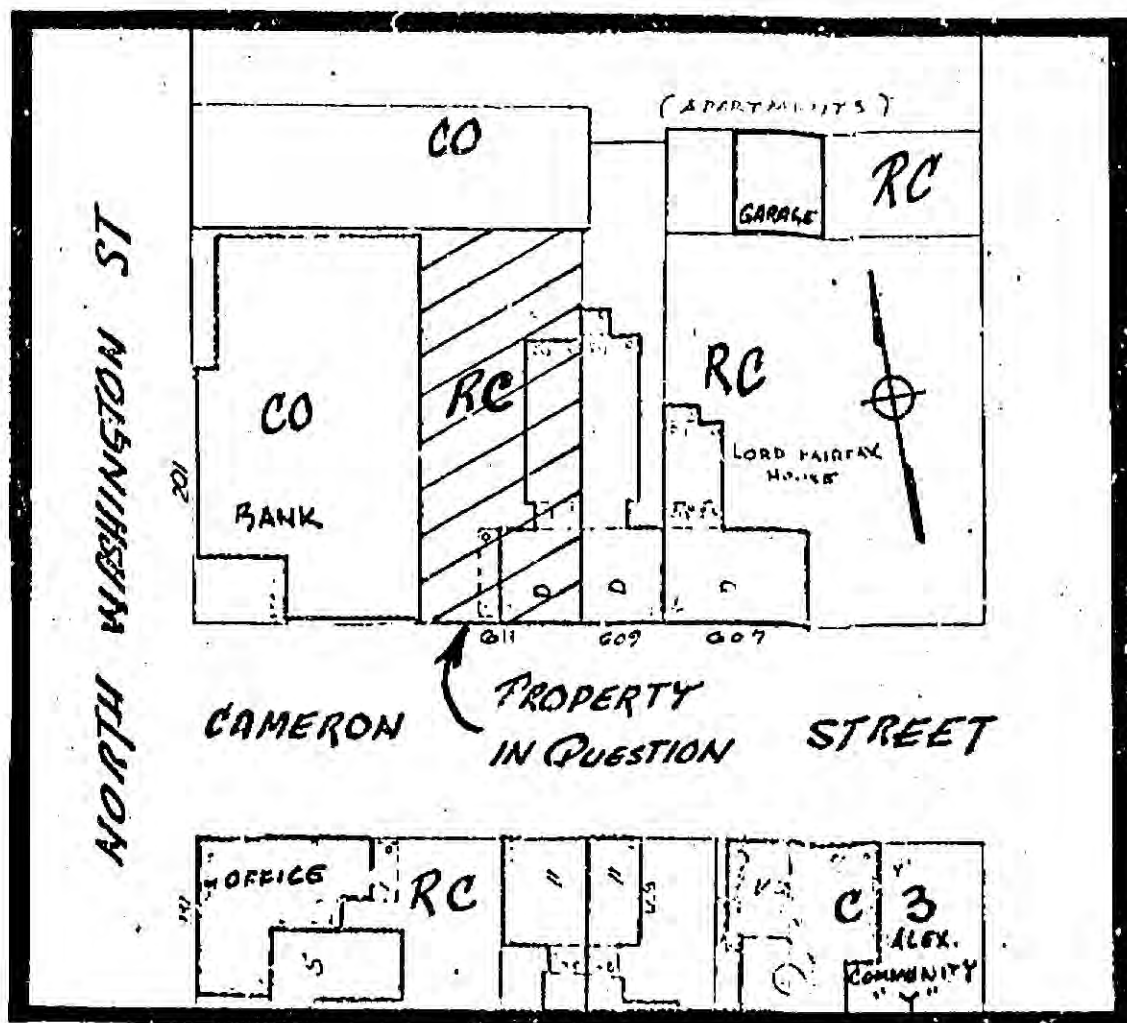
Docket Item # 8  
SUP #1175

Planning Commission Meeting  
Tuesday, May 2, 1978  
7:30 P.M., City Hall  
Council Chambers

APPLICANT: Richard H. and Dianne L. Lewis, Contract Purchasers  
OWNER: Harriet L. Hulfigh  
LOCATION: 611 Cameron Street  
ZONE: RC, Residential  
USE: Professional Offices

#### FINDINGS

1. The property in question and surrounding land uses are shown on the sketch below:



2. The subject property is one (1) existing lot of record having fifty (50) feet of frontage on Cameron Street, a depth of 120 feet and a total area of 6,000 square feet.
3. The property in question contains a two (2) story brick structure presently used as a residence.
4. The applicants, contract purchasers of the property, propose to use the entire building for professional office uses. The existing building contains approximately 2,500 square feet of floor area that could be devoted to the proposed professional office uses.
5. The applicants do not at this time know how many professional offices will be located within the two-story building. This will be based upon the future needs of the individual tenants. The applicants have stated in their attached letter of intent that it is probable that the applicant Richard H. Lewis, will occupy part of the premises as a law office with the long range plan to establish a branch office of his present law firm at the subject property.
6. The applicant is advised that under Section 42-11(a)(6) of the City Zoning Code, if this Special Use Permit is approved, the building can only be occupied by professional business offices, licensed by the State of Virginia. The Zoning Office will have to approve business licenses for each such office use desiring to occupy the building.
7. The applicant has submitted letters from surrounding property owners who have no objection to the proposed professional offices. (See attached letters)
8. The building in question was constructed in 1796 and was the home of General (Light Horse Harry) Lee, Father of Robert E. Lee. The building therefore is of obvious historical significance.
9. Since the property is within the Central Business District, no off-street parking is required. The applicant intends, however, to provide two spaces at the rear of the building.
10. Professional business offices are allowed in the RC zone with a Special Use Permit under Section 42-11 (a)(6) of the City Zoning Code.

#### COMMENTS OF OTHER CITY DEPARTMENTS

##### Transportation & Environmental Services:

No comment.

##### Fire:

Must meet all applicable provisions of the Virginia Uniform Statewide Building Code. No special fire protection requirements.

##### Building & Mechanical Inspections:

No objections.

##### Health:

This department interposes no objection to the proposed use of this building.

#### STAFF ANALYSIS

The area surrounding the property in question is a mixture of commercial establishments and residential uses. To the west of the subject property is the Washington Lee Savings and Loan Association. To the east there are two residences, one of which is where the applicants reside. The other property owner has submitted a letter offering no objection to the proposed professional offices. To the north there are Brockett's Crossing condominium apartments and six office buildings under construction.

To the south of the subject property there is a large real estate office and several buildings used for residential purposes.

The staff is of the opinion that professional offices would be a reasonable use of this historic building and would not have any adverse effect on other properties in the area.

#### STAFF RECOMMENDATION

Recommend approval subject to all applicable codes and ordinances and the following conditions:

1. That each professional office use be approved by the Department of Planning and Community Development and City Attorney to determine that they are bonafide professional office uses licensed by the State of Virginia. (P & CD)
2. That the normal hours of operation of the professional office to the public be no earlier than 8:30 A.M. and no later than 6:00 P.M., Monday through Saturday. (P & CD)

#### PLANNING COMMISSION MEETING OF - MAY 2, 1978

Mr. Lewis represented the application.

No one appeared in opposition.

#### COMMISSION ACTION:

On a motion of Mr. Rosenthal, seconded by Mr. Cockrell, the Planning Commission voted to deny the request.

The motion carried on a vote of 5 - 1. Mr. Kamerow voted against the motion to deny.

#### REASON:

The conversion of this historic residence into professional offices is not in the best public interest. The office use represents an intrusion of commercial use in a block ( north side of the 600 block of Cameron Street) which is zoned R-C, residential and is predominantly used for residential purposes.

The Commission feels that the curb cut on Cameron Street with parking on the west side of the residence is not in keeping with the historic and architectural character of the neighborhood.

#### CITY COUNCIL MEETING OF MAY 23, 1978

#### COUNCIL ACTION:

Granted, subject to compliance with all applicable codes, ordinances and staff recommendation.

# EXHIBIT G

## BOUNDARY LINE AGREEMENT

THIS DEED, made this 15th day of January, 1963, by and between GERTRUDE CRILLY, single, party of the first part; and MACGILL JAMES and CAROLINE ROGERS JAMES, parties of the second part:

WHEREAS, the said party of the first part is the sole owner and proprietor of property known as premises 607 Cameron Street, Alexandria, Virginia, and,

WHEREAS, the said parties of the second part are the sole owners and proprietors of premises known as 609 Cameron Street, Alexandria, Virginia, and,

WHEREAS, it appears from survey that the present lines of occupancy of said properties do not entirely conform to the deed descriptions, that is, as to the West line of premises 607 Cameron Street and the parties hereto, being the owners of the entire properties bounding on said line, have mutually agreed to adjust the matter by adopting the line of common ownership according to boundary survey prepared by Cecil J. Cross, C.L.S., dated January 8th, 1963.

NOW, THEREFORE, THIS DEED WITNESSETH: That the said parties of the first and second parts, in consideration of the foregoing facts and of the mutual advantages and of the sum of One Dollar (\$1.00), paid by each to the other, receipt of which is hereby acknowledged, do hereby adopt and confirm the common line between their respective properties, each hereby granting and conveying to the other, such land as is necessary to make the line below described the true line of agreed common ownership, the said parties of the second part granting and conveying to the said party of the first part, all land to the East of said line and the said party of the first part granting and conveying to the parties of the second part, all land to the West of said line, which line shall be a permanent monument between their respective properties and being more particularly described as follows, to-wit:-



BEGINNING at a point on the north side of Cameron Street and at the joint between the west wall of No. 607 Cameron Street and the east wall of No. 609 Cameron Street, said point being 146.06 ft. east of Washington Street and 100.77 ft. west of St. Asaph Street; thence north along the said joint between the walls 27.80 ft. to a point 100.64 ft. from St. Asaph Street; thence continuing north along the west face of the brick wall of No. 607 Cameron Street 27.97 ft. to the northwest corner of said house; thence east along the north face of the north wall of said No. 607 Cameron Street and parallel to Cameron Street 0.90 ft. to the west face of an 8 in. brick fence wall, said point being 100.08 ft. west of St. Asaph Street; thence north along the west face of said brick fence wall 64.23 ft. to a point which is 99.93 ft. west of St. Asaph Street.

WITNESS the following signatures and seals:

Gertrude Crilly (SEAL)  
Gertrude Crilly  
Macgill James (SEAL)  
Macgill James  
Caroline Rogers James (SEAL)  
Caroline Rogers James

STATE OF VIRGINIA :

to-wit:-

CITY OF ALEXANDRIA:

I, JUNE A. COLDWELL, a Notary Public in and for the State and City, aforesaid, whose commission expires on the 18<sup>th</sup> day of JUNE, 1963, do hereby certify that Gertrude Crilly, single, whose name is signed to the writing foregoing and hereto annexed, bearing date on the 15th day of January, 1963, has acknowledged the same before me in my State and City, aforesaid.

Given under my hand this 18<sup>th</sup> day of January, 1963.

June A. Coldwell  
Notary Public

STATE OF VIRGINIA :


to-wit:-

CITY OF ALEXANDRIA:

I, Robert V. H. Duncan, a Notary Public in and for the State and City, aforesaid, whose commission expires on the 26<sup>th</sup> day of February, 1966, do hereby certify that Macgill James and Caroline Rogers James, his wife,

whose names are signed to the writing foregoing and hereto annexed, bearing date on the 15th day of January, 1963, have acknowledged the same before me in my State and City, aforesaid.

Given under my hand this 24<sup>th</sup> day of January, 1963.

  
Notary Public

VIRGINIA:

In the Clerk's Office of the Corporation Court of the City of Alexandria on Jan. 25, 1963, this deed was received and with the annexed certificate, admitted to record at 11 o'clock, 45 A.M.

Testes

  
Clerk

## DEED OF BARGAIN AND SALE

THIS DEED, made this 18th day of January, 1963, by and between GERTRUDE CRILLY individually, single, and as surviving Executrix of the Estate of Jeremiah H. Crilly, deceased, party of the first part; and W. SCOTT MACGILL and ANNA B. MACGILL, his wife, as tenants by the entirety with the common law right of survivorship, parties of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and of other good, valuable and sufficient consideration in law, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey, with a general warranty of title, unto the said parties of the second part, as tenants by the entirety with the common law right of survivorship, all of that lot of ground with its improvements and appurtenances, located in the City of Alexandria, Virginia, being known as premises No. 607 Cameron Street, and more particularly described as follows:

BEGINNING at the intersection of the North side of Cameron Street with the West side of St. Asaph Street and running thence West on Cameron Street 100 feet: thence North parallel to St. Asaph Street 120 feet to an alley 3.23 feet in width: (which alley was created and recognized in Deed Book 241, Page 387, Alexandria, Virginia Land Records) thence Eastwardly on said alley 100 feet to St. Asaph Street and thence South on St. Asaph Street 120 feet to the beginning, as modified by Boundary Line Agreement recorded immediately prior hereto.

Being the identical property acquired by Jeremiah H. Crilly by deed dated February 20th, 1913, and of record in Deed Book 62, Page 457, subject to the boundary and alley agreement recorded in Deed Book 241, Page 387 of said Land Records. By the Will of Jeremiah H. Crilly found in Will Book 7, Page 92, the Executrix was given power after ten years (which has passed) to sell and convey the property, and distribute between his wife, Ida Cunningham Crilly, and his five children, Anthony, Harry, Lillian, Genevieve and Gertrude Crilly. His wife predeceased him, leaving as her sole heirs at law the same five children. Anthony Crilly died intestate October 15th, 1933, leaving Harry, Lillian, Genevieve and Gertrude Crilly as his sole heirs at law. Harry Crilly conveyed his interest in the property to the remaining three in Deed Book 116, Page 268. Lillian Crilly died in 1961 and by her Will in Will Book 51, Page 173, her interest passed to the remaining two, Genevieve and Gertrude Crilly. By Will of Genevieve Crilly in Will Book 54, Page 373, her interest passed to the survivor and party of the first part hereto, Gertrude Crilly.





This conveyance is made expressly subject to any and all easements, restrictions and agreements of record insofar as they may be lawfully applicable to the property hereby conveyed.

The said party of the first part covenants that she has the right to convey said property to said grantees; that there are no encumbrances against said property; that said grantees shall have quiet enjoyment of said property, free from the claims of all persons whomsoever; and that she, the said party of the first part, will execute such further assurances of title thereto as may be requisite and necessary.

WITNESS the following signature and seal:

Gertrude Crilly (SEAL)  
Gertrude Crilly, individually, and as  
Executrix of the Estate of Jeremiah H.  
Crilly, deceased



STATE OF VIRGINIA :  
to-wit:-  
CITY OF ALEXANDRIA:

I, June A. Coldwell, Notary Public in and for the State and City, aforesaid, whose commission expires on the 18th day of June, 1963, do hereby certify that Gertrude Crilly individually, single, and as surviving Executrix of the Estate of Jeremiah H. Crilly, deceased, whose name is signed to the writing foregoing and hereto annexed, bearing date on the 18th day of January, 1963, has acknowledged the same before me in my State and City, aforesaid.

Given under my hand this 18th day of January, 1963.

June A. Coldwell  
Notary Public

VIRGINIA:

In the Clerk's Office of the Corporation Court of the City of Alexandria on Jan. 25, 1963 this deed was received and with the annexed certificate, admitted to record at 11:47 A.M.

Testes

Carl R. Sullivan  
Clerk

# EXHIBIT H









## CAMERON



606, 608. Samuel Wheeler, whose wife was a daughter of James Parsons, built 606 around 1812.

The house at 608 was new in 1798 when Jean Michael Anthony, Baron Van Havre, bought it from Joseph Thornton. Van Havre was a son-in-law of Henry Joseph, Baron de Stier, who in 1794 brought his family to the United States to escape the French occupation of Belgium. The elder baron built "Riversdale," still standing in Riverdale, Maryland. His daughter Rosalie married George Calvert, brother of Martha Washington's daughter-in-law. House bought in 1803 by Bathurst Daingerfield, a prosperous sea captain. In his will Daingerfield directed that the Orphans' Court of Alexandria was to have nothing to do with his estate, because the court was "loose in their office."

Also, 604, brick, 3 stories, mid 19th C., replacing "Widow Parson's" early house.



611, 609. In 1795, John Bogue, "joiner and cabinet maker," built 611 for himself, and 609 for James Irwin. General Light Horse Harry Lee brought his family, including three-year-old Robert Edward, from Stratford to 611 in late 1810.

607. Built by William Yeaton, who bought the lot in 1799. Town house of Thomas, ninth Lord Fairfax, from 1830 to 1846; later town house of his son, Dr. Orlando Fairfax. Bryan Fairfax, father of Thomas, was an intimate friend of Washington and an early rector of Christ Church. Thomas' wife was a grand-daughter of John Carlyle.

Also, 909, clapboard, 2 stories, gable roof, probably early 19th C.; 910, brick, 3 stories (originally 2½ stories), early 19th C., Victorianized; 911, brick, 2 stories, gable roof, remodeled facade with corbelled cornice and doorway, early 19th C.; 917, brick, 3 stories, ell, shed roof, bracket cornice, mid 19th C.

Also, 1007, clapboard, 2 stories, gable roof, early 19th C.; 1009, clapboard, now bricktex, 2 stories, gable roof, probably early 19th C. 1325, brick, 2



912. Built around 1805 by John Watts and Charles Bennett, business partners. After Watts' death in 1808, Bennett bought Watts' share. Bennett died in 1839. His executors' bond was \$200,000. After bequests to friends, balance of his estate went to the City of Alexandria. The City commissioned architect Robert Mills to design a monument to Bennett that still stands in the southeast corner of Christ Church yard.



913. A house dating from around 1810, combined with another house bought in 1826, formed the nucleus of the present house. First house bought in 1816 by James and Jacob Douglass. Jacob conveyed his interest to James in 1825. James bought the second house in 1826, and he and his heirs added three other parcels of land. Later additions were made, and in 1878 it was described as a "two-storied Brick dwelling house."



ly tradition, buildings erected by George John-son in 1772 by his son Harrison Harri-son bought the land and was in

when he vements Vowell. attorney, in the 765 he locating ons on as also fter he George in the town name-shing-til his Morris-y 29, tends f his inson arles k of



## ATTACHMENT #3

CLARISSA K. PINTADO, ESQ.  
703.518.9910  
cpintado@fiskelawgroup.com

March 25, 2020

Mr. Tony LaColla  
Division Chief, Land Use Services  
Department of Planning and Zoning, City of Alexandria  
City Hall  
301 King St., Room 2100  
Alexandria, VA 22314

**RE: REQUEST FOR DETERMINATION FOR 611 CAMERON STREET**  
**TAX MAP No. 064.04-08-09**  
**TAX I.D. 11994520**

Dear Mr. LaColla,

I write to you on behalf of the owner, Mr. James Michels, of the property located at 611 Cameron Street (the "Property"), who requests a determination that the building on the Property and the historic dwelling constructed on the Property can be used and occupied as a two-family dwelling as a permitted use under the RM/Townhouse zone regulations (Section 3-1100, *et seq.*) of the Alexandria Zoning Ordinance, 1992 as amended (the "Ordinance") governing the use and development of the Property.

The RM/Townhouse zone is established to provide and maintain land areas for medium density residential neighborhoods. Pursuant to Section 3-1102 of the Ordinance, the RM/Townhouse zone permitted uses include single-family dwelling, two-family dwelling (two family dwelling are classified as either duplex or semi-detached dwelling as defined in the Ordinance), and townhouse dwelling, among other permitted uses.

The RM/Townhouse zone regulations provide that "Each single-family, two-family and townhouse dwelling unit shall be **on a lot** with a minimum land area of 1,425 square feet." Ordinance § 3-1105(B)(1) (emphasis added). The proposed use of the Property as a two-family dwelling would be located on a lot of 6,000 square feet, well in excess of the 1,452 lot size requirements of the RM/Townhouse zone regulations. Section 3-1105(B) of the Ordinance does not distinguish between duplex and semi-detached two-family dwellings as to lot size. This clearly indicates that the drafters of the Ordinance intended to treat both types of two-family dwellings uniformly, allowing two-family dwellings of either type to be constructed, used, and occupied on one 1,452 square foot lot.

The RM/Townhouse zone lot size regulations for two-family dwellings, permitting of both types of two-family dwellings on one lot of land, is consistent with the two-family zoning regulation of every zoning classification in the City that permits two-family dwellings, with one exception—the R-2-5 zone regulations (Section 3-500, *et seq.* of the Ordinance). See Matrix attached as Exhibit A. The R-2-5 zone regulations are unique and substantially different for all other zone regulations permitting two family-dwellings. The R-2-5 zone regulations specifically and uniquely require that:

(2) Each dwelling in a semi-detached building shall be located **on its own lot**, each of which shall contain 2,500 square feet of land area, except in the case of a corner lot in which case the dwelling requires a minimum of 4,000 square feet.

(3) Each duplex building shall be located **on a lot** with a minimum land area of 5,000 square feet, except in the case of a corner lot in which case the minimum land area shall be 6,500 square feet.”

Ordinance § 3-505(A)(2) and (3) (emphasis added). (Compare zones CL/Commercial low, CC/Commercial Community, CSL/Commercial Service low, CG/Commercial General, CD-X/Commercial Downtown, and OC/Office Commercial, all of which state “Each single-family dwelling shall be located on **a lot** with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, **the lot** shall contain 2,500 square feet of land area for each dwelling unit.”) (Emphasis Added). The R-2-5 zone further requires that for two-family semi-detached dwellings “the width of **each lot** shall be 37.5 feet.” Ordinance § 3-505(B) (emphasis added).

In contrast to the R-2-5 zone, the RM/Townhouse zone does not have the requirement that each building be on its own lot, nor does it provide halved width lot requirements for semi-detached dwellings, all of which indicates that the drafters intended for two-family dwellings to be on a single lot in that zone. It is clear the R-2-5 zone regulations were drafted and adopted to contain two-family zone regulations that are different than all other zoning classifications by imposing different lot size requirements of duplex and semi-detached dwellings. The unique R-2-5 distinction between the R-2-5 zone regulations and all other two-family zone regulations was without question crafted intentionally to create a different scheme of development for R-2-5 zoned properties.

The Property meets the other area requirements under the Ordinance as well. The RM/townhouse zone requires single-family and two-family duplex

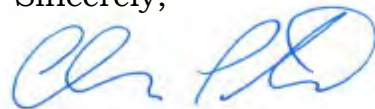
dwelling to have a minimum lot width at the front building line and the minimum lot frontage at the front lot line to be no less than 25 feet. For two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit. Ordinance § 3-1105(C). In this case, the lot width at the front building line is 50 feet, meeting the minimum required frontage under either scenario. Furthermore, the proposed use would comply with Bulk and Space Regulations of Ordinance § 3-1106. The Property has four parking spaces, and 45% open space, not including the parking spaces or driveway.

Moreover, the proposed use is not only permissible under the Ordinance, but preserves the Property's historic use. Since its construction in 1796, it has had varied uses, including lodging. John Bogue, the builder, insured his "two buildings" on Cameron Street in 1798. John Bogue placed an ad "To Let" the "two story brick house" that included a "nursery and lodging room" located at 611 Cameron Street. See Exhibit B.

**Conclusion:**

For the foregoing reasons, the Department of Planning and Zoning should determine that the Property can be used as a two-family dwelling pursuant to Ordinance Section 3-1100, *et seq.*

Sincerely,



Clarissa K. Pintado, Esq.  
The Fiske Law Group, PLLC  
*Counsel for Owner, James B. Michels*





## ATTACHMENT #4

CLARISSA K. PINTADO, ESQ.  
703.518.9910  
cpintado@fiskelawgroup.com

March 25, 2020

**Sent Via First Class U.S. Mail to:**

Mr. Tony LaColla  
Division Chief, Land Use Services  
Department of Planning and Zoning, City of Alexandria  
City Hall  
301 King St., Room 2100  
Alexandria, VA 22314

**RE: VOIDING OF PRIOR REQUEST FOR DETERMINATION FOR 611 CAMERON  
STREET  
TAX MAP NO. 064.04-08-09  
TAX I.D. 11994520**

Dear Mr. LaColla,

I write to you on behalf of the owner, Mr. James Michels, of the property located at 611 Cameron Street (the "Property"). The City of Alexandria's Department of Planning and Zoning (the "Department") determined that the Property is a townhouse in its letter dated September 20, 2017. See "Department's 2017 Letter" attached as Exhibit A. However, a recently discovered document and additional research contradicts the premise on which the Department's conclusion was based, thereby rendering the determination void.

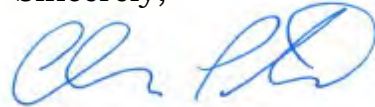
As background, in 2016, Mr. Michels was first informed by the Department that a two-family semi-detached dwelling was a permissible use of his lot. In November 2016, a Department employee later informed Mr. Michels that it was impermissible because it was already a two-family dwelling with unit 609. See Email dated Nov. 17, 2016 attached as Exhibit B. In the Department's 2017 Letter, the Department concluded that the house is a townhouse—a characterization of the house that had never before been made.

The Department based its determination on a 2007 survey for 609 Cameron Street, which erroneously labeled the dividing wall between the buildings at 609 and 607 Cameron Street a "party wall." The same survey correctly references a "Boundary Line Agreement" at Deed Book 569 Pg. 267, made in 1963, which is attached hereto as Exhibit C. After reviewing the Boundary Line Agreement, it is clear that the walls between 607 and 609 are abutting walls, and not a party wall. The Boundary Line Agreement describes a "joint between the east wall of 609 and west wall of 607," demonstrating that

there are two separate walls dividing these two buildings. Indeed, prior surveys, like the ones attached to this letter as Exhibit D, did not describe the walls as a single party wall.

Thank you for your attention to this matter. Please contact me with any questions you may have.

Sincerely,



Clarissa K. Pintado, Esq.  
The Fiske Law Group, PLLC  
*Counsel for Owner,*  
*James B. Michels*


# ATTACHMENT #5

## Staff Guidance Memo No. 58

**Subject:** "Townhouse"

**Zoning Ordinance Section:** various

**Issue Date:** June 24, 1996

**From:** Sheldon Lynn, Director   
Department of Planning and Zoning

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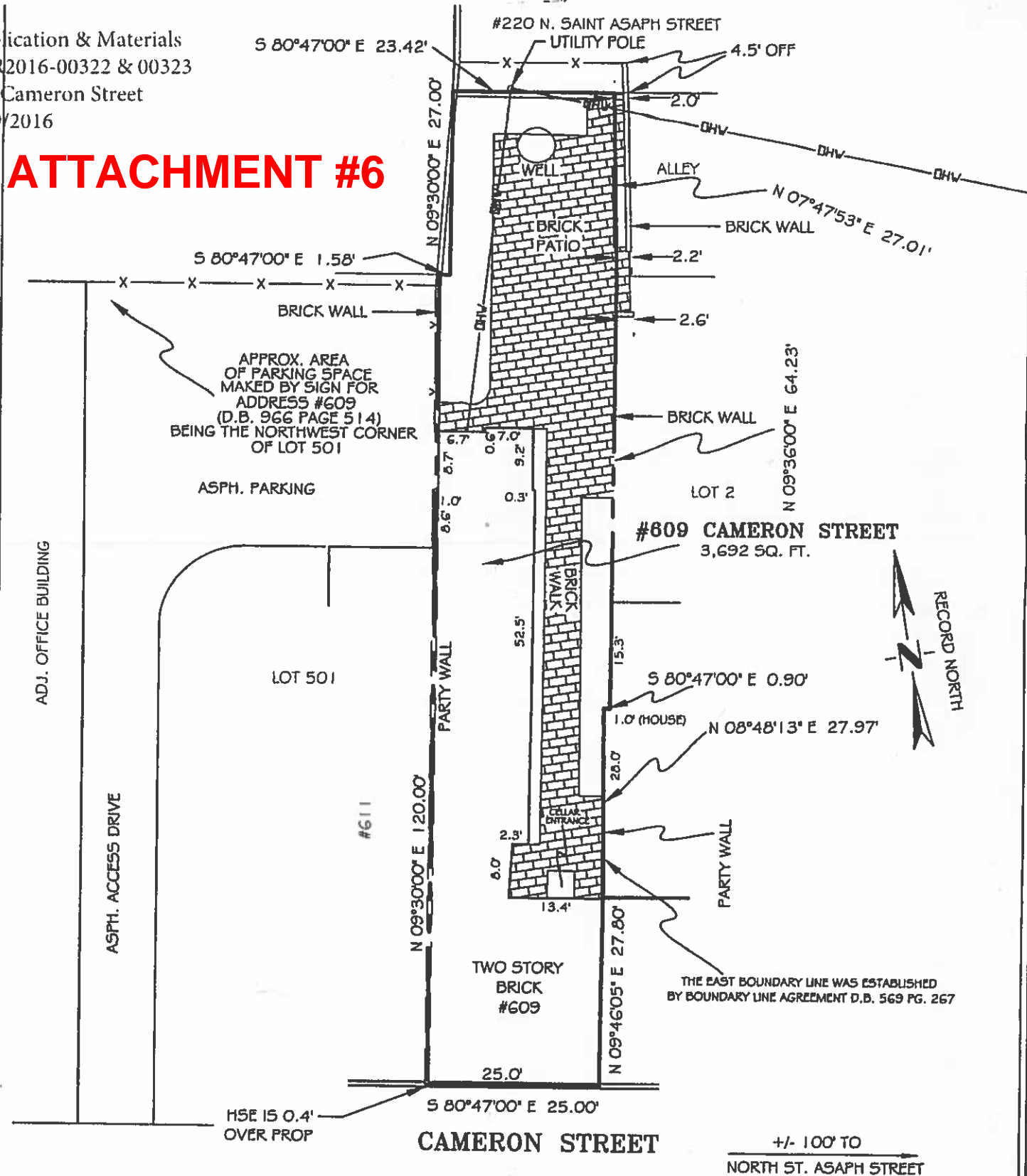
A townhouse is a dwelling which (1) meets the zoning ordinance definition and (2) is located on its own lot of record.

Section 2-138 defines a townhouse as "one of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement to roof or roofs."

In addition, section 1-400(B)(3)(b) makes clear that land area is to be calculated separately for each lot of record for all uses. Most of the residential and commercial zones include lot size regulations for townhouses, although some of the zones may use the term "land area" instead of "lot". Regardless of how it is stated, the required amount of land must be located on a separate lot for each townhouse (unless approved as a cluster development). Therefore, townhouses require separate fee simple lots, each with the required land area. If fee simple lots are provided, the development cannot be considered multifamily.

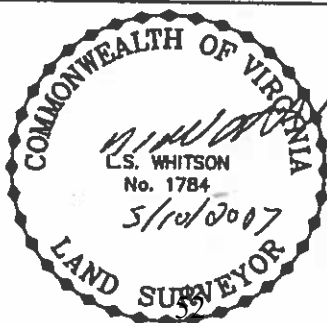
*This memo is for staff purposes only and is subject to change. The public should not rely on it. To receive a binding opinion, an application for a formal interpretation is required.*

# ATTACHMENT #6



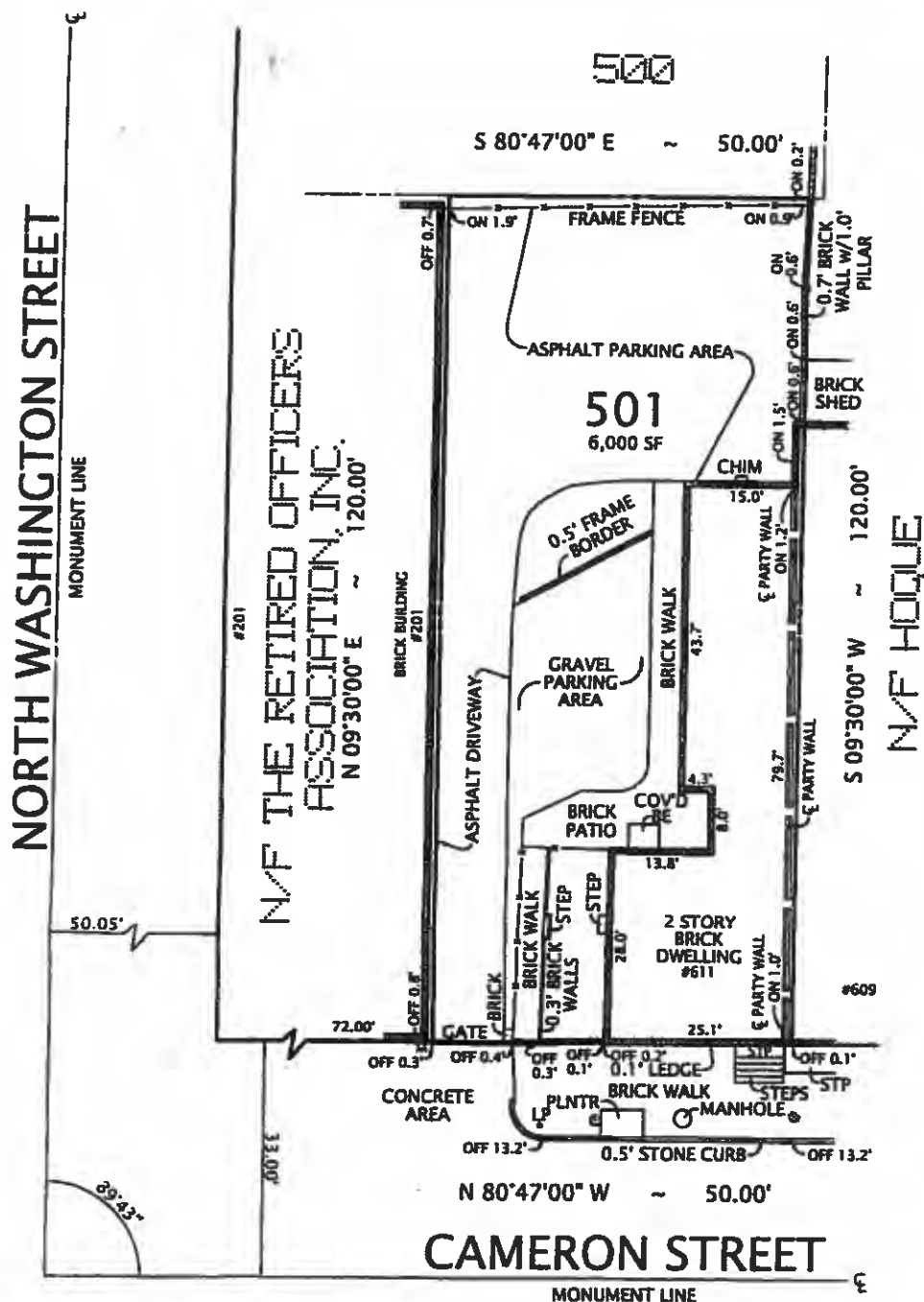
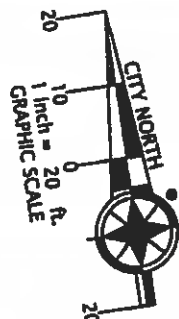
## HOUSE LOCATION SURVEY

#609 CAMERON STREET  
 INST# 060020996  
 CITY OF ALEXANDRIA, VIRGINIA  
 DATE: MAY 10, 2007  
 SCALE: 1" = 20'  
 DRAFTED BY: JTE



## LEGEND

CW = CONC WALK	C/P = CONC PATIO
SW = STONE WALK	R/E = RECESSED ENTRY
WL = WOOD LANDING	CHIM = CHIMNEY
B/L = BRICK LANDING	O.H. = OVERHANG
W/D = WOOD DECK	B/W = BAY WINDOW
C/S = CONC STOOP	OHW = OVERHEAD WIRE
M/S = METAL STOOP	AW = AREA WAY
C/C/S = COVERED CONC STOOP	○ = MONUMENT FOUND
	-x- = FENCE



PLAT  
SHOWING HOUSE LOCATION ON  
LOT 501  
OF A RESUBDIVISION OF THE PREMISES  
NO. 611 CAMERON STREET  
AND  
NO. 209 NORTH WASHINGTON STREET  
(DEED BOOK 605, PAGE 76)  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20' AUGUST 02, 2010

08/02/2010  
 GEORGE M. O'QUINN  
 LICENSE NO.  
 2069  
 COMMONWEALTH OF VIRGINIA  
 LAND SURVEYOR  
*George M. O'Quinn*

**DOMINION** Surveyors  
Inc.®

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



(3) Rear yards. Same as in the R-20 residence zone; except, that the minimum rear yards for residences shall be seven feet.

(e) *Floor area ratio.* The maximum floor area ratio shall be 0.45.

(f) *Heights of building.* As permitted in the R-20 residence zone. (Code 1963, Sec. 42-9)

### Sec. 7-6-16 R-2-5 residence zone.

(a) *Uses permitted.* The following uses only shall be permitted in the R-2-5 residence zone:

(1) Any use permitted in the R-5 residence zone.

(2) Two-family dwellings.

(b) *Area regulations.* For any use permitted in the R-5 residence zone, the area regulations of that zone shall apply. For two-family dwellings, each dwelling unit shall have a minimum lot area of 2,500 square feet.

(c) *Frontage regulations.* For any use permitted in the R-5 residence zone and for two-family dwellings of the duplex type, the frontage regulations of the R-5 residence zone shall apply. For two-family dwellings of the semi-detached type, each dwelling unit shall be on a lot with a frontage of not less than 25 feet.

(d) *Yard regulations.* Same as the R-5 residence zone.

(e) *Floor area ratio.* Same as in the R-5 residence zone.

(f) *Heights of building.* No single-family residence or two-family dwelling shall exceed three stories or 35 feet in height. No church building or school building shall exceed 40 feet in height except that any such building may extend up to 150 feet in height with a special use permit as specified in sections 7-6-191 to 7-6-195 of this code. Any other building or structure may extend in excess of 35 feet but no more than 150 feet in height, provided a special use permit with respect to height only as specified in sections 7-6-191 to 7-6-195 of this code is obtained. The provisions of this subsection are subject to the limitations set forth in section 7-6-42 of this code. (Code 1963, Sec. 42-10)

### Sec. 7-6-17 RA residence zone.

(a) *Uses permitted.* The following uses only shall be permitted in the RA residence zone:

(1) Any use permitted in the R-2-5 residence zone.

(1.1) Row dwellings.

(2) Multifamily dwellings, subject to the issuance of special use permits as specified in article R of this chapter, unless exempted therefrom pursuant to Supp. No. 25

suant to section 7-6-321 or section 7-6-351 of this code.

(3) Rooming houses and boardinghouses, permitted only with a special use permit as specified in sections 7-6-191 to 7-6-195 of this code; provided, however, that no special use permit authorizing a rooming house or boardinghouse which is granted after December 12, 1987, shall continue in effect for more than five years; provided, further, that any rooming house or boardinghouse in existence on December 12, 1987, for which a special use permit has not been granted shall be deemed a nonconforming use and shall be discontinued on or before December 12, 1992, unless it conforms to the requirements of this subsection by obtaining a special use permit which authorizes its continuation; provided, further, (i) that no later than December 12, 1988, the owner or operator of any such nonconforming rooming house or boardinghouse may seek from city council an extension of the date by which it must come into conformity with this subsection by filing with the director of the department of planning and community development a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in such rooming house or boardinghouse made by the petitioner prior to December 12, 1987, cannot be obtained prior to December 12, 1992; (ii) that council shall conduct a public hearing on any such petition, prior to which the director of the department of planning and community development shall provide notice in accordance with the provisions of article P of this chapter; and (iii) that, following the hearing, council may extend the December 12, 1992, date only if it finds that a strict application of the date will deny the petitioner the opportunity to realize a fair and reasonable return on the investment in the nonconforming rooming house or boardinghouse made by the petitioner prior to December 12, 1987, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.

(3.1) Tourist homes after June 1, 1984 (permitted only with a special use permit as specified in sections 7-6-191 to 7-6-195 of this code).

(4) Nursery schools, private (permitted only with special use permit as specified in sections 7-6-191 to 7-6-195 of this code).

(5) Parking areas and parking lots; provided, the requirements and standards of sections 7-6-81 and 7-6-82 of this code are complied with and a special use permit, as set forth in sections 7-6-191 to 7-6-195 of this code, is first obtained.

may be separated by a public street, public alley or public right-of-way.

(4) No change in regulations or special use permit granted shall be construed to allow any use, other than those permitted in the RB residence zone, nor shall any such change or permit be construed to allow any increase in the total number of dwelling units, nor in the total floor area permitted in the RB residence zone.

(5) No change in regulations or special use permit granted shall be construed to increase the allowable height of buildings, or to change the yard regulations or frontage regulations as set forth in this section along the exterior boundary of the planned development.

(6) Any special use permit granted shall run with the land and be binding upon the applicant, the owner, the occupants and their heirs, successors and assigns, and no such special use permit shall become effective unless and until the owner or owners of the land involved shall have first entered into a contract with the city so encumbering the land and binding the parties and making the land subject to the conditions of the special use permit, and said owner shall also have recorded said contract with an approved plat attached thereto in the deed books among the land records of the city. When a special use permit has been granted the city manager is hereby authorized to execute any such contract on behalf of the city and the director of planning is hereby authorized to approve any such plat on behalf of the city.

(7) Nothing in this subsection (i) shall be construed as limiting the city council in designating conditions in connection with the special use permit.

(8) No change shall be made in any special use permit granted or any development plan approved as a part thereof unless the procedures and requirements set forth in (1) through (7) above are complied with. (Code 1963, Sec. 42-12)

#### **Sec. 7-6-19 RC residence zone.**

(a) *Uses permitted.* The following uses only shall be permitted in the RC residence zone:

(1) Any use permitted in the RA residence zone.

(2) Apartment hotels after June 1, 1984 (permitted only with a special use permit as specified in sections 7-6-191 to 7-6-195 of this code).

(3)a. Any C-1 or C-1-B use for which a special use permit has been duly approved by the city council as specified in sections 7-6-191 to 7-6-195 of the code prior to June 26, 1973, provided such

use is confined to the first story or any story below the first story.

b. The following commercial uses only shall be permitted after June 26, 1973, provided such use is confined to the first story or any story below the first story:

1. Banks, savings and loan associations and similar financial institutions.

2. Barbershop or beauty shop.

3. Cleaning, laundry or pressing agency (no actual operations on the premises).

4. Drugstore.

5. Food products store, where products are not prepared or consumed on the premises.

6. Gift shop.

7. Health and athletic clubs, including facilities incidental to such uses and baths, turkish and similar, including facilities incidental to such use.

8. Offices, provided that no materials or supplies be stored on the site, that no trucks, vans or similar vehicles be parked outside on the site outside of business hours and that a special use permit, as set forth in sections 7-6-191 to 7-6-195 of this code, is first obtained.

9. Convenience store.

c. Restaurants, provided that such use is confined to the first story or any story below the first story in buildings less than seven stories in height. In buildings seven or more stories in height, restaurants may be located on the first story or any story below the first story, or on the roof or uppermost story.

d. The uses specified in paragraphs a., b. and c. above shall be permitted only with a special use permit as specified in sections 7-6-191 to 7-6-195 of this code, and shall be permitted only in multi-family dwellings four or more stories in height, provided that the total area devoted to such uses does not exceed the square foot area of the first story or any story below the first story, whichever is less, and subject to the issuance of special use permits as specified in article R of this chapter, unless exempted therefrom pursuant to section 7-6-321 or section 7-6-351 of this code.

(4) Offices for municipal finance consultants, provided that special permission for such use shall have been granted by the city council under the provisions of sections 7-6-191 to 7-6-195 of this code.

(b) *Area regulations.* For single-family and two-family dwellings, the provisions of the RA residence zone shall apply. For all other dwellings,

no structure shall be erected or placed on a lot containing less than 800 square feet of land for each dwelling unit contemplated to be placed thereon. This prohibition shall not be construed to prevent the erection, alteration, repair or reconstruction of any structures which either are in existence on or before July 14, 1956, or for which a final site plan or a subdivision plat shall have been duly and regularly approved by the planning commission on or before July 14, 1965. It is intended by this subsection to bar in the future the erection of additional dwellings with less restrictive area regulations than that herein provided for other than single-family and two-family dwellings but to allow such structures as are described in the next preceding sentence of this subsection to be erected, altered, repaired and reconstructed without the difficulty of being deemed nonconforming. For all other uses, the density of use shall be governed only by the provisions of subsection (e) and subsection (f) of this section.

(c) *Frontage regulations.* Same as RA residence zone.

(d) *Yard regulations.*

(1) Front yards. None required, except, that all buildings shall conform to the setbacks established by the highway plan of the city.

(2) Side yards. Same as RB residence zone, except that the yard provisions of division 2, article G of this chapter shall apply to residential uses.

(3) Rear yards. Same as RB residence zone, except that the yard provisions of division 2, article G of this chapter shall apply to residential uses.

(e) *Floor area ratio.* The maximum floor area ratio shall be 1.25; provided that when structures do not cover more than 12 percent of the surface of the lot, when all above-ground structures have a minimum setback ratio of 1.2 from all side and rear property lines and when accessory parking structures do not project above ground level, the allowable F.A.R. may be increased to a maximum of 1.50 according to the following formula:

% of site in open space	Allowable F.A.R.
46	1.26
47	1.27
48	1.28
49	1.29
50	1.30
51	1.31
52	1.32
53	1.33
54	1.34
55	1.35
56	1.36

% of site in open space	Allowable F.A.R.
57	1.37
58	1.38
59	1.39
60	1.40
61	1.41
62	1.42
63	1.43
64	1.44
65	1.45
66	1.46
67	1.47
68	1.48
69	1.49
70	1.50

(f) *Coverage.* There shall be provided on each lot used for dwelling purposes open and usable space of not less than 150 square feet per dwelling unit for the first 10 dwelling units, plus 100 square feet per dwelling unit for the next 10 dwelling units, plus 75 square feet per dwelling unit for all dwelling units in excess of 20. Rooming houses, boardinghouses and tourist homes shall provide 75 square feet of open and usable space per guest room; provided, that on sites for which preliminary, final or combination site plans have been approved after July 6, 1966, there shall be provided on each lot used for dwelling purposes open and usable space of not less than 300 square feet per dwelling unit, or 37.5 percent of the total area of the lot or tract used, whichever is greater. For sites for which preliminary, final or combination site plans have been submitted after June 14, 1967, there shall be provided on each lot used for dwelling purposes open and usable space of not less than 320 square feet per dwelling unit, or 40.0 percent of the total area of the lot or tract used, whichever is greater.

(g) *Open and usable space bonus.* For all multi-family dwellings in the RC zone for which preliminary, final or combination site plans have been submitted after April 12, 1980, up to 10 percent of the open and usable space required in subsection (e) or subsection (f) above may be in improved rooftops or decks, provided that an area of land at least equal to the area of open and usable space located on rooftops or decks and credited to the allowed or required open and usable space shall be provided as landscaped open and usable space between the front lot line and any building, structure or off-street parking area located on the lot. This landscaped open and usable space shall not be in addition to the total area required for open and usable space.