

Docket Item #6
BZA Case #2020-00019
Board of Zoning Appeals
October 19, 2020

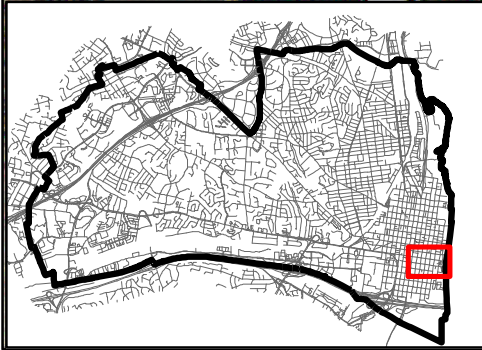
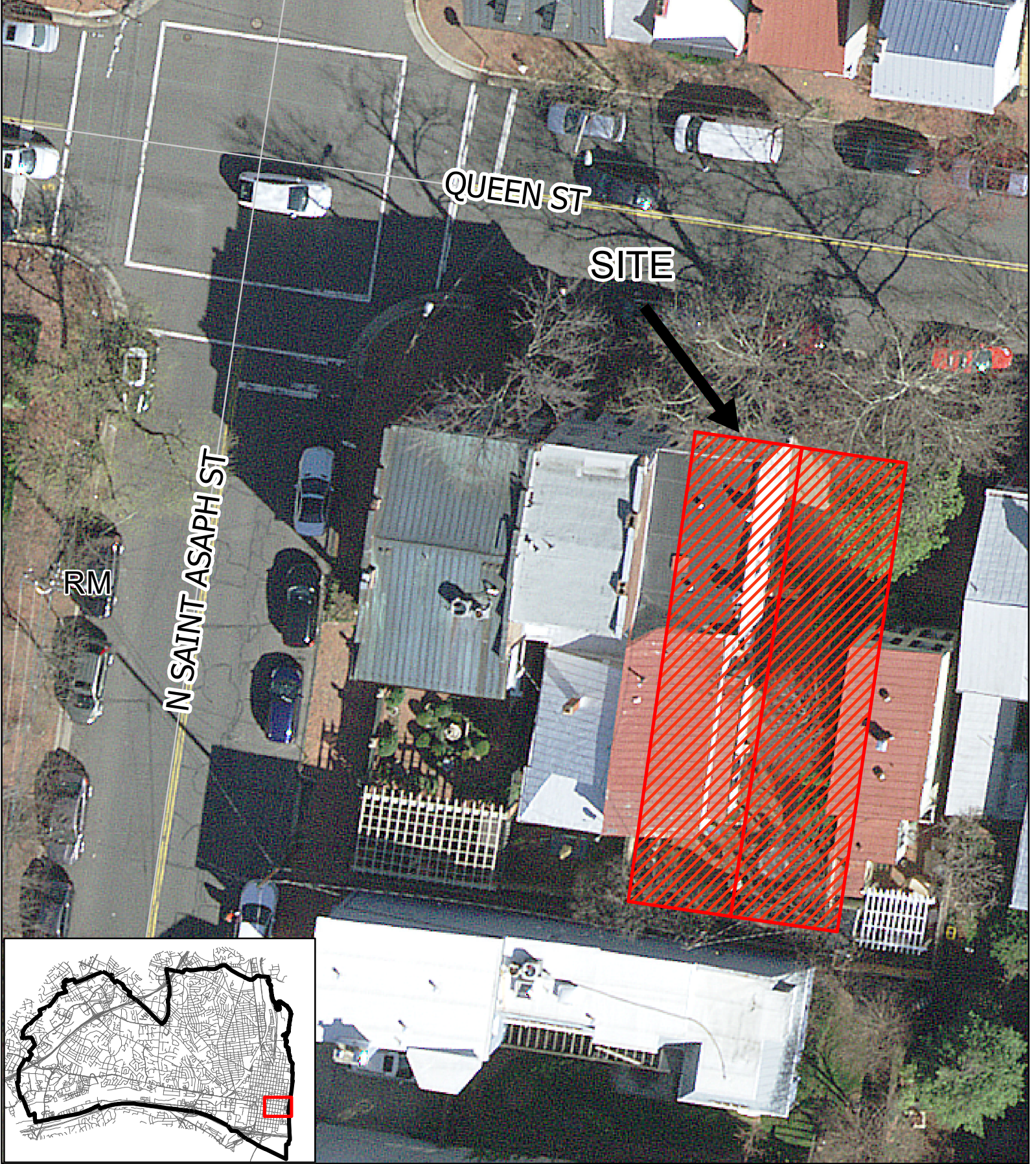
ADDRESS: 520 and 522 QUEEN STREET
ZONE: RM/TOWNHOUSE ZONE
APPLICANT: MICHAEL AND LORI ROWEN, OWNERS

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

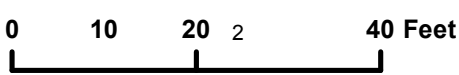
CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED VARIANCE
8-200(C)(5)(a)	Access to Parking	From alley or interior court	Street Access	Widen existing curb-cut

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

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



BZA #2020-00019
520 & 522 Queen Street



I. Issue

The applicants propose to widen the existing noncomplying access to off-street parking from Queen Street.

II. Background

The subject property is two lots of record, 520 and 522 Queen Street, rectangular in shape, that are bound by an easement. The subject property has 36.00 feet of frontage along Queen Street and 80.00 feet of depth. The property contains 2,880 square feet of lot area and complies with the RM zone's minimum lot size frontage and width.

The property is currently developed with a two-story townhouse dwelling located 0.80 feet over the front property line facing Queen Street, 0.00 feet from the west side property line (however, there is a 0.50-foot overlap discrepancy in the deed description



Image 1- Subject Property

for the west side property line), 17.40 feet from the east property line (although there is a gap between the deed description for the east property line that is 0.30 ft in the front and increases to 1.73 in the rear), and 16.00 feet from the rear property line. According to Real Estate Assessment and Historic Preservation records, the dwelling at 522 Queen was constructed between 1840 and 1860, with additions done in 1897 and between 1958 and 1960. There was a structure on the rear portion of 520 Queen Street, but it was demolished in the early 1900's. There is some evidence that the area at 520 Queen that is currently used for parking has always been vacant. The subject property is located within the Old and Historic Alexandria District (OHAD). A scenic and open space easement was recorded on May 9, 1990 with the Alexandria Historical Restoration and Preservation Commission. The easement legally bound the two properties together saying 520 Queen "shall not be subdivided, nor shall it ever be devised or conveyed except as a unit with 522 Queen".

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

On August 12, 2019, an application for a new curb cut was received by the Department of Transportation and Environmental Service (T&ES). Subsequently, on August 26, 2019, the Department of Planning and Zoning recommended denial of the application to widen a non-complying curb cut at 520 and 522 Queen Street because the Zoning Ordinance requires off-street

parking to be accessed from an alley or interior court for properties located within the OHAD and the widened access would constitute an expansion of a noncomplying use.

Table 1. Zoning Table

RM Zone	Requirement	Existing	Proposed
Lot Area	1,452 sq. ft.	2,880 sq. ft.	2,880 sq. ft.
Lot Width	18.00 ft.	36.00 ft.	36.00 ft.
Front Yard	0.00 ft.	0.00 ft.	0.00 ft.
Side Yard (East)	5.00 ft.	17.40 ft.	17.40 ft.
Side Yard (West)	0.00 ft.	0.00 ft.	0.00 ft.
Rear Yard	16.00 ft.	16.00 ft.	16.00 ft.
Open Space	1,008 sq. ft.	1,253 sq. ft.	1,253 sq. ft.

III. Description

The applicants propose to expand an existing noncomplying curb cut to improve access from Queen Street (a public street) to two existing off-street parking spaces. Parking is not required for subject property per 8-200(F)(1) as the house was constructed prior to off-street parking requirements. The existing parking area located at the front north east of the property measures 18.00 feet by 23 feet for a total of 378 square feet.

IV. Applicant's Justification for Variance

The applicants state that strict application of section 8-200(C)(5)(a) prevents the reasonable use of the existing parking area as it is difficult to maneuver cars into the parking spaces when cars are regularly parked along the south side of Queen Street blocking off portions of the existing curb cut.

V. Master Plan/Zoning

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

VI. Requested Variance

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

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

VII. Analysis of Variance Definition

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

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

Allowing an expansion of noncomplying access to non-required off-street parking from the public street is not a reasonable deviation because the Zoning Ordinance requires that property in the OHAD provide required off-street parking from an alley or interior court. Allowing it here would undermine this particular provision since this would be an expansion of a non-complying curb cut that accesses existing non-required parking spaces.

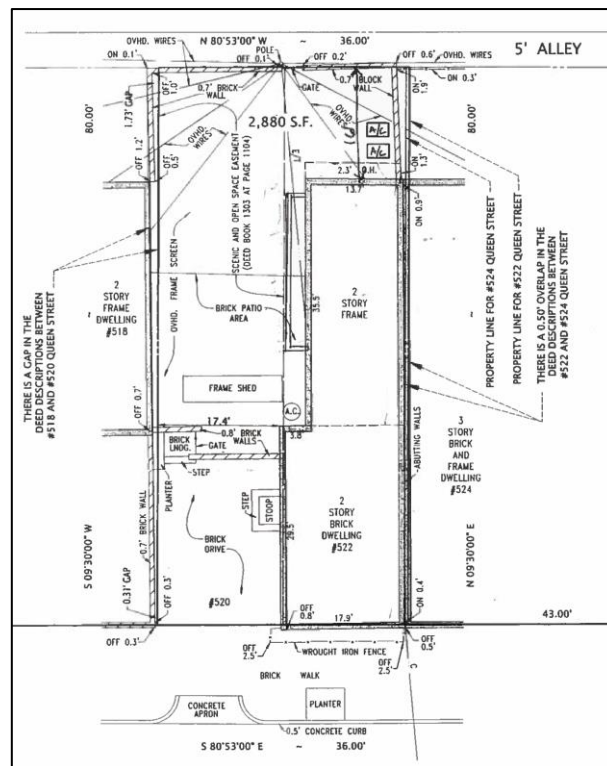


Image 2- Subject Property Plat

b. Strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property.

Strict application of the Zoning Ordinance would not unreasonably restrict the utilization of the property because the townhouse dwelling currently has access to the existing two off-street parking spaces. Further, there is no requirement to provide off-street parking for this property.

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

The neighborhood is predominately residential, and most properties do not have curb cuts. There is one additional property on the south side of the block and one property on the north side of the block that have curb cuts, both of which are roughly the same width as 520 Queen Street's current curb cut. The surrounding area has curb cuts for a few parking lots and alleys, as well as several curb cuts wide enough to access individual off-street parking spaces. There is one curb cut on this block along North Pitt that is wide enough to access two off-street parking spaces. As is common throughout the OHAD, some of the properties in this area do have access to alleys, while some do not. The need for a variance to provide off-street parking would be shared by all properties in OHAD that cannot provide access to parking from an interior alley or court. The need for a variance to expand access to existing parking spaces is somewhat uncommon, primarily because few properties have space for two off-street parking spaces accessed from a public street, but any property in the OHAD wishing to expand access from a public street, rather than an interior alley or court would require a variance.

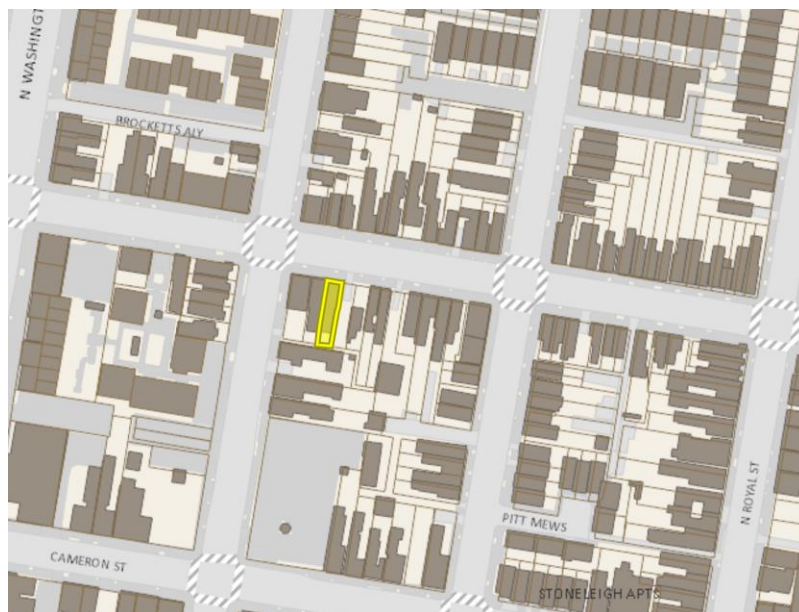


Image 3 - Development Pattern of Neighborhood

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

The requested variance is contrary to the purpose of the Ordinance. Section 8-200(C)(5)(a) of the Zoning Ordinance is intended to protect the historic character of OHAD by minimizing curb cuts and vehicular access to parking from the front of properties. The variance is also unneeded as the existing curb cut allows adequate access to both existing off-street parking spaces.

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

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

The variance request does not include a change in use. The property will continue to be used as residential townhouse dwelling.

VIII. Analysis of Variance Standards

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

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

The variance would not alleviate a hardship due to a physical condition relating to the property. While access to one of the existing two off-street parking spaces is somewhat difficult due to the curb cut being narrower than the parking spaces, and because of the frequency of cars parked along the south side of Queen Street impeding access to the curb cut, neither of these issues constitute a hardship as the applicants currently have access to the existing non-required off-street parking spaces.



Image 4 – Example of a car blocking a portion of the existing curb cut



Image 5 - Existing Conditions

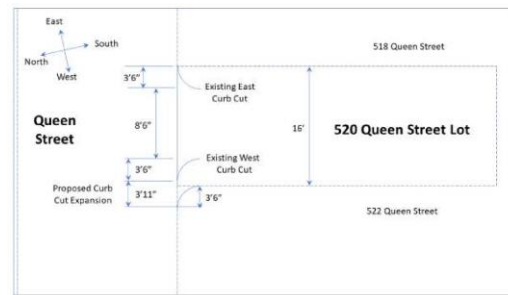


Image 6- Proposed Expansion

b. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicants for the variance.

The applicants acquired the property in good faith, however, their desire to widen the existing curb cut to improve access to their existing off-street parking creates the need for the requested variance.

c. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

The proposed variance will not be of substantial detriment to adjacent or nearby properties. Widening the existing curb cut to the west by 3'11" will decrease the space available for on-street parking, however, there will still be room for three cars to park between the west end of the curb cut and the cross-walk, which is the same number of cars that currently fit in that space. The presence of the existing curb cut has some impacts on the character of the area as it distracts from the scale and rhythm of the street and expanding the access would increase the distraction.

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

The need for a variance to provide off-street parking would be shared by all properties in OHAD that cannot provide access to parking from an interior alley or court. However, the need to apply for a variance to expand an existing curb cut to increase access to existing off-street parking spaces is somewhat uncommon primarily because most townhouses in the OHAD do not have off-street parking accessed from a street.

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

The variance request will not change the use or zoning of the residential property.

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

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

IX. Staff Conclusion

As outlined above, staff **recommends denial** of the requested variance to expand the noncomplying access to parking from Queen Street rather than an alley or interior court.

Staff:

Maggie Cooper, Urban Planner, margaret.cooper@alexandriava.gov

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

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

DEPARTMENTAL COMMENTS

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

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

Historic Preservation:

F-1 Will require Board of Architectural Review approval at a full hearing.

Code Administration:

No comments

Recreation (City Arborist):

No comments

Historic Alexandria (Archaeology):

No archaeological oversight will be necessary for this undertaking.

Transportation and Environmental Services

No comments



APPLICATION BOARD OF ZONING APPEALS

VARIANCE

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

PART A

1. Applicant: ☐ Owner ☐ Contract Purchaser ☐ Agent

Name _____

Address _____

Daytime Phone _____

Email Address _____

2. Property Location _____

3. Assessment Map # _____ Block _____ Lot _____ Zone _____

4. Legal Property Owner Name _____

Address _____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
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 _____(address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
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.

5. Describe request briefly:

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

Yes — Provide proof of current City business license.

No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

I, as the applicant or authorized agent, note that there is a fee associated with the submittal of this application. Planning & Zoning Department staff will be in contact with the applicant regarding payment methods. Please recognize that applications will not be processed until all fees are paid.

Yes No I affirm that I, the applicant or authorized agent, am responsible for the processing of this application and agree to adhere to all the requirements and information herein.

Printed Name:

Date:

Signature:

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

PART B

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please **attach** additional pages where necessary.)

1. Please answer A or B:

A. Explain how enforcement of the zoning ordinance would prevent reasonable use of the property.

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

2. Is this unreasonable restriction or hardship unique to the property?

A. Explain if the restriction or hardship is shared by other properties in the neighborhood.

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

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

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

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

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

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

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

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

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

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

PART C

- 1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

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

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

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

The example illustrates a detailed description:

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

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



Department of Planning and Zoning

Floor Area Ratio and Open Space Calculations for

Single and Two-Family Residential Outside Historic Districts

A**A. Property Information**

A1. Street Address Zone

A2. Total Lot Area x Floor Area Ratio Allowed by Zone = Maximum Allowable Floor Area

B. Existing Gross Floor Area

<u>Existing Gross Area</u>		<u>Allowable Exclusions**</u>		
Basement	<input type="text"/>	Basement**	<input type="text"/>	B1. <input type="text"/> Sq. Ft.
First Floor	<input type="text"/>	Stairways**	<input type="text"/>	Existing Gross Floor Area*
Second Floor	<input type="text"/>	Mechanical**	<input type="text"/>	B2. <input type="text"/> Sq. Ft.
Third Floor	<input type="text"/>	Attic less than 7'***	<input type="text"/>	Allowable Floor Exclusions**
Attic	<input type="text"/>	Porches**	<input type="text"/>	B3. <input type="text"/> Sq. Ft.
Porches	<input type="text"/>	Balcony/Deck**	<input type="text"/>	Existing Floor Area Minus Exclusions
Balcony/Deck	<input type="text"/>	Garage**	<input type="text"/>	(subtract B2 from B1)
Garage	<input type="text"/>	Other***	<input type="text"/>	Comments for Existing Gross Floor Area
Other***	<input type="text"/>	Other***	<input type="text"/>	
B1. <u>Total Gross</u> <input type="text"/> B2. <u>Total Exclusions</u> <input type="text"/>				

C. Proposed Gross Floor Area

<u>Proposed Gross Area</u>		<u>Allowable Exclusions**</u>		
Basement	<input type="text"/>	Basement**	<input type="text"/>	C1. <input type="text"/> Sq. Ft.
First Floor	<input type="text"/>	Stairways**	<input type="text"/>	Proposed Gross Floor Area*
Second Floor	<input type="text"/>	Mechanical**	<input type="text"/>	C2. <input type="text"/> Sq. Ft.
Third Floor	<input type="text"/>	Attic less than 7'***	<input type="text"/>	Allowable Floor Exclusions**
Attic	<input type="text"/>	Porches**	<input type="text"/>	C3. <input type="text"/> Sq. Ft.
Porches	<input type="text"/>	Balcony/Deck**	<input type="text"/>	Proposed Floor Area Minus Exclusions
Balcony/Deck	<input type="text"/>	Garage**	<input type="text"/>	(subtract C2 from C1)
Garage	<input type="text"/>	Other***	<input type="text"/>	
Other***	<input type="text"/>	Other***	<input type="text"/>	
C1. <u>Total Gross</u> <input type="text"/> C2. <u>Total Exclusions</u> <input type="text"/>				

D. Total Floor Area

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

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

E. Open Space (RA & RB Zones)

E1. Sq. Ft.
Existing Open Space

E2. Sq. Ft.
Required Open Space

E3. Sq. Ft.
Proposed Open Space

Notes

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

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

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

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

Signature: _____ Date: _____



Department of Planning and Zoning

Floor Area Ratio and Open Space Calculations

B

A. Property Information

A1. Street Address Zone

A2. x =
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

<u>Existing Gross Area</u>		<u>Allowable Exclusions**</u>		
Basement	<input type="text"/>	Basement**	<input type="text"/>	B1. <input type="text"/> Sq. Ft. Existing Gross Floor Area*
First Floor	<input type="text"/>	Stairways**	<input type="text"/>	B2. <input type="text"/> Sq. Ft. Allowable Floor Exclusions**
Second Floor	<input type="text"/>	Mechanical**	<input type="text"/>	B3. <input type="text"/> Sq. Ft. Existing Floor Area Minus Exclusions (subtract B2 from B1)
Third Floor	<input type="text"/>	Attic less than 7'***	<input type="text"/>	Comments for Existing Gross Floor Area <input type="text"/>
Attic	<input type="text"/>	Porches**	<input type="text"/>	
Porches	<input type="text"/>	Balcony/Deck**	<input type="text"/>	
Balcony/Deck	<input type="text"/>	Lavatory***	<input type="text"/>	
Lavatory***	<input type="text"/>	Other**	<input type="text"/>	
Other**	<input type="text"/>	Other**	<input type="text"/>	
B1. <u>Total Gross</u> <input type="text"/>		B2. <u>Total Exclusions</u> <input type="text"/>		

C. Proposed Gross Floor Area

<u>Proposed Gross Area</u>		<u>Allowable Exclusions**</u>		
Basement	<input type="text"/>	Basement**	<input type="text"/>	C1. <input type="text"/> Sq. Ft. Proposed Gross Floor Area*
First Floor	<input type="text"/>	Stairways**	<input type="text"/>	C2. <input type="text"/> Sq. Ft. Allowable Floor Exclusions**
Second Floor	<input type="text"/>	Mechanical**	<input type="text"/>	C3. <input type="text"/> Sq. Ft. Proposed Floor Area Minus Exclusions (subtract C2 from C1)
Third Floor	<input type="text"/>	Attic less than 7'***	<input type="text"/>	
Attic	<input type="text"/>	Porches**	<input type="text"/>	
Porches	<input type="text"/>	Balcony/Deck**	<input type="text"/>	
Balcony/Deck	<input type="text"/>	Lavatory***	<input type="text"/>	
Lavatory***	<input type="text"/>	Other**	<input type="text"/>	
Other	<input type="text"/>	Other**	<input type="text"/>	
C1. <u>Total Gross</u> <input type="text"/>		C2. <u>Total Exclusions</u> <input type="text"/>		

D. Total Floor Area

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

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

E. Open Space (RA & RB Zones)

E1. Sq. Ft.
Existing Open Space

E2. Sq. Ft.
Required Open Space

E3. Sq. Ft.
Proposed Open Space

Notes

*Gross floor area is the sum of all areas under roof of a lot, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

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

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

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

Signature: _____ Date: _____

Comments supporting our variance request related to Sec. 8-200 (C) 5 of the Alexandria Zoning Regulations as cited as the reason we require a variance

8-200(C)5: Access to parking, required or otherwise, shall be limited as follows

- a) Within the Old and Historic Alexandria District, access to all parking shall be provided from an alley or interior court. Upon a finding by the planning commission or director that it is clearly not feasible to provide such access, a waiver as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review or, if no site plan is required, by the director.

COMMENT: There is no alley behind our home wide enough to drive a car. Our lot has long had off street parking via a driveway directly via Queen Street, thus our off-street parking pre-dates any zoning regulations prohibiting access.

- b) Within the Parker-Gray District, access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services who shall, after review by the director and the director of transportation and environmental services, and provided the application meets the criteria of section 5-2-14(c) of the city code, docket the matter for hearing before the board of architectural review. The board of architectural review shall approve or deny the application based on whether the location and nature of the proposed curb-cut and associated parking facility is compatible with the character and architectural style of the developed blockface. The decision of the board of architectural review may be appealed to city council pursuant to [section 10-207](#). If approval of a curb cut as specified in this subparagraph is not granted, then a waiver as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review, or, if no site plan is required, by the director.

COMMENT: Not applicable since our home is not in this district

- c) For buildings or structures over 100 years old designated for preservation pursuant to [section 10-300](#), access to all parking shall be provided from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services who shall, after review by the director and the director of transportation and environmental services, and provided the application meets the criteria of section 5-2-14(c) of the city code, docket the matter for hearing before the board of architectural review. The board of architectural shall approve or deny the application based on whether the location and nature of the proposed curb cut and associated parking facility is compatible with the character and architectural style of the designated building or structure. The decision of the board of architectural review may be appealed to city council pursuant to [section 10-309](#). If approval of a curb cut as specified in this subparagraph is not granted, then a wavier as to part or all of any parking requirement may be granted by the planning commission as part of its site plan

review or, if no site plan is required, by the director. The requirements of this subparagraph shall apply to all the land appurtenant to such designated building or structure, whether comprised of a single lot or multiple lots of record, on the date of designation.

COMMENT: Our home is over 100 years old and thus under restrictions related to historic homes. This section relates to curb cut applications where one does not already exist – unlike our home – and where alley access is not possible. We do not believe Section 10-300 which governs historic buildings is applicable since we are not proposing any changes, modifications or repair of our home’s structure. With regards to Section 5-2-14(c) of the city code which governs curb cuts, see comments after section (f) below.

- d) Within the Town of Potomac and Rosemont Historic Districts, access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services for review by the director and the director of transportation and environmental services. The approval of both directors constitutes approval of the application. The directors shall review the application for compliance with the criteria of section 5-2-14(c) of the city code, and for the compatibility of the location and nature of the proposed curb cut and associated parking facility with the character and architectural style of the developed blockface. The rejection by either director constitutes a denial of the application. The administrative determination on the application may be appealed to city council. The procedures of [section 10-207](#) shall apply to the extent appropriate to any such appeal.

COMMENT: Not applicable since our home is not in these districts

- e) For land not covered by paragraph (a) through (d) above, approval for a curb cut may be obtained either as part of a site plan approved by the planning commission pursuant to [section 11-400](#) or by administrative approval pursuant to section 5-2-14 of the city code.

COMMENT: Not applicable since our property is not land being developed

- f) It is the express intent of the city that no curb cut be permitted anywhere in the city which does not, at a minimum, meet the criteria of section 5-2-14(c) of the city code.

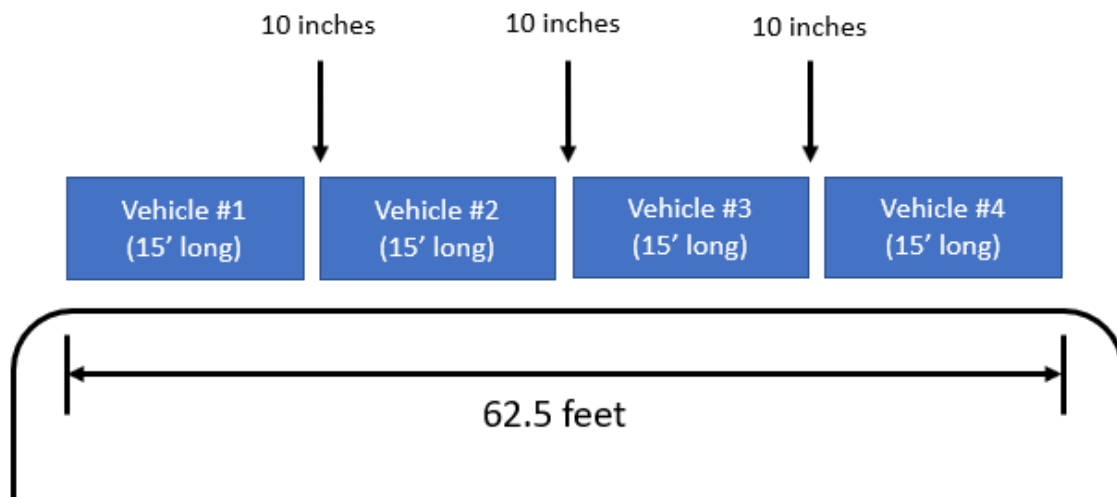
COMMENT: Based on our review of Section 5-2-14(c) we believe that widening our curb cut by 3’11” have no effect on the “means of ingress and egress to and from adjacent properties” nor will it have any effect on vehicular traffic. We believe repairing the sidewalk which our driveway crosses will have a positive impact on pedestrian traffic as we would replace broken, damaged bricks in the sidewalk which are tripping hazards, and we would level and mortar in place other bricks that are sticking up on the sidewalk portion of our driveway, eliminating the risk of pedestrians tripping on unsafe, uneven and broken bricks on the current sidewalk as shown in the picture below.



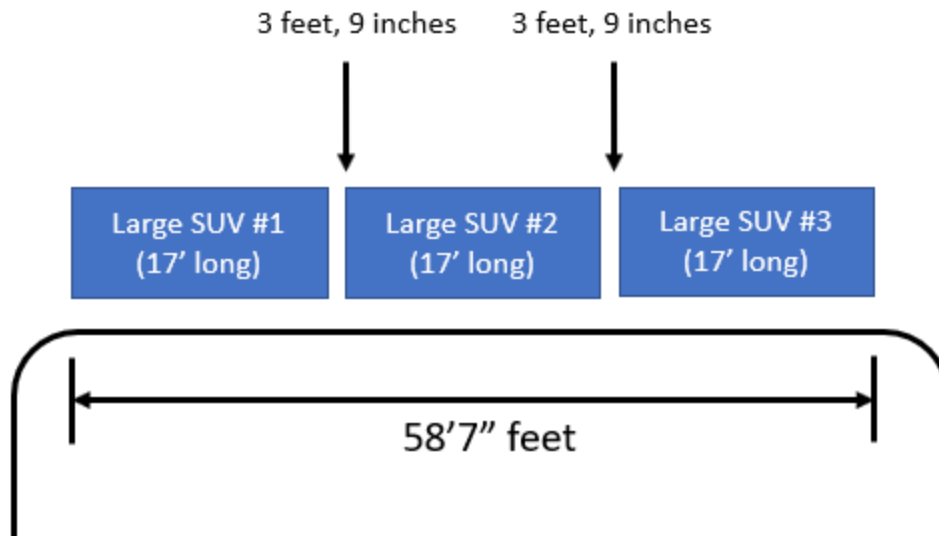
We do not believe our proposed widening of our curb cut will have a material impact on “the demand and necessity for parking spaces”. We could not find any guidelines on Alexandria’s government website regarding recommended or required space for parallel car parking, but there is 62.5 feet of street parking space from our driveway curb cut to the point where sidewalk curves at the corner of St. Asaph Street. We frequently see 3 cars parking in this area as shown in the picture below, and in every case there is ample space for the center car to pull in and out of the parallel parking spot. The two end cars have no issue parallel parking because they only have one side of the car (front or back) where they need to be careful not to hit another car. It’s easy to see ample room in this picture where our curb cut would be expanded without adversely impacting street parking.



We have never seen 4 cars parked in this stretch of street occasionally, but when this occurs is when we have cars parked past the curb cut and thus blocking our driveway. This is because there is simply not enough space for 4 cars to park while allowing ample space for the two interior cars to be able to parallel park. The average car length is 15 feet, so if 4 average length cars parked in this area, with the 2 end cars parked optimally right up to the curved curbs on either end, the extra 2.5 feet would be spread over the 3 gaps between cars, or 10 inches between cars, as shown in the graphic below. It's simply not possible to parallel park 2 vehicles in the interior spaces in the diagram with just 10 inches of clearance on each side of the 2 center vehicles.



.Our proposed curb cut expansion of 3'11" would leave 58'7" of parking space, which would allow 6'9" between cars for the three cars that typically park here, plenty of space to allow 3 full-size large SUV's which are 17 feet long to park in this area while allowing ample space for the interior SUV to comfortably get into and out of the interior parking spot.



Finally, this section states that “the city manager may grant variances from these specifications when strict application of the specifications will prohibit or unreasonably restrict the use of property”. The pictures below show how our current 8’6” narrow curb cut unreasonably restricts the use of our property at times when our cars are blocked in by parked cars on Queen Street that stick over the curved portion of our existing curb but. We’ve experienced times where we had to drive off the curb to get our car out of the driveway to avoid hitting a car parked past the curb cut, and were completely blocked in several times, one time needing to call a tow truck in order to get our car out of our driveway.

Photographic Support For Our Variance Request

Our home frequently experiences cars parked past the curb cut of our driveway. Our driveway is 8'6" wide, so this makes it difficult to pull cars from our driveway without hitting cars parked past curb cuts.



When cars park far past the curb cut they literally block a portion of our driveway and we are forced to drive off the curb, scraping the bottom of the car on the ground, damaging the car undercarriage.



You can see in this picture that when one side has a car parked past the curb cut and the other is parked legally, it is very difficult to exit our driveway and make a turn into the street safely, especially when a car is parked such that it needs to back out.



A view from the street shows that the car parked in the west spot (blue car) has to make an “S” turn to exit the driveway. When cars park past the curb cut this becomes difficult or impossible. The car parked in the east spot (white car) has a much easier path to exit the driveway because the curb cut is offset to that side of the driveway. Expanding the curb cut on the west side would offer easier exit for both parking spots.



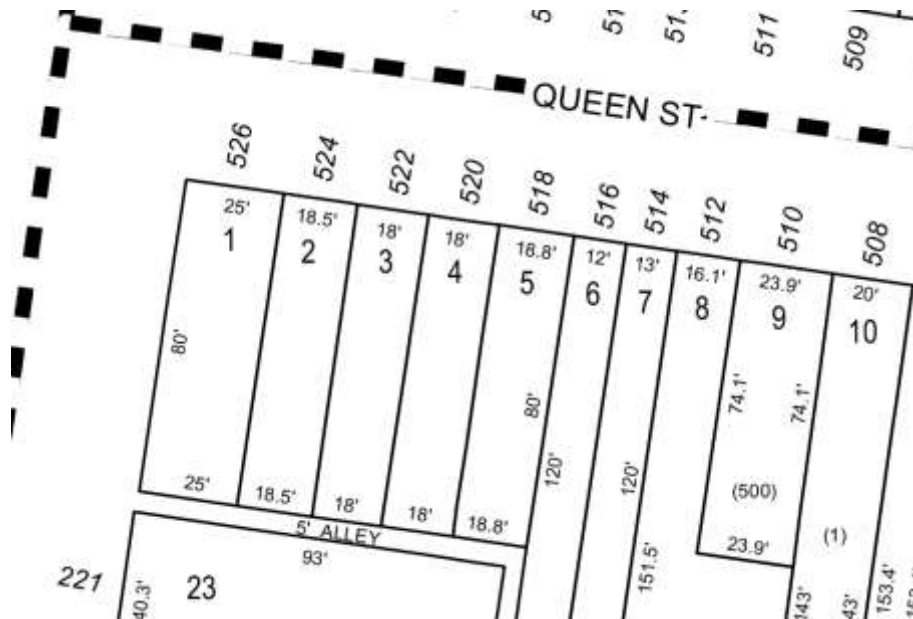
Interestingly enough, the Google Maps Street View of 520 Queen Street shows a car parked past our curb cut, which happens perhaps 25% of the time since the space from our curb cut to the next curb cut down the street is much smaller. That side handles 2 parked cars easily, but when someone tries to fit in a 3rd car, then end up parking past our curb cut, impeding our ability to easily exit our driveway.



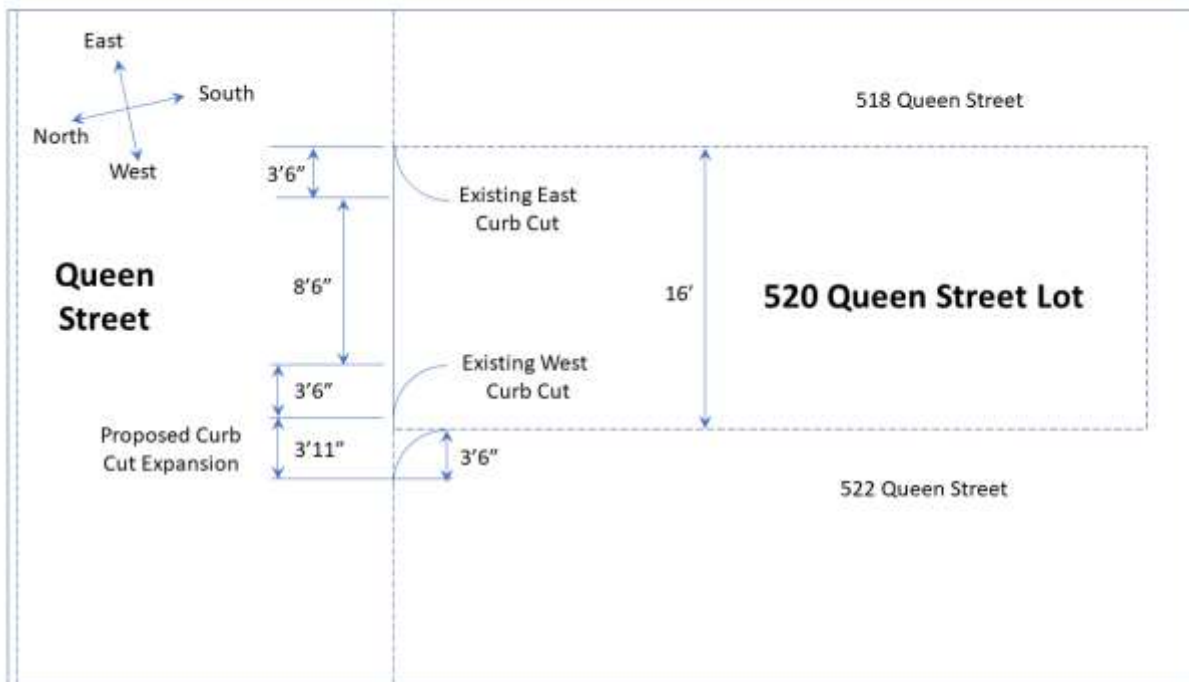
I was not sure what was meant by a "Plat" so I included two images I was able to pull from the Alexandria City GIS system. The red arrow shows the existing curb cut on 520 Queen Street, shows how the curb cut is not centered on our driveway as could be seen in most of the previous images, and illustrates that there is ample space to add 4' to the curb cut while keeping the curb cut within the lot boundaries of 520 Queen Street. We are also the owners of 522 Queen Street, which the lot at 520 Queen Street has been permanently tied to via an open space easement that was filed back in the 1990's which require 520 & 522 Queen Street to be forever conveyed together.



The 2nd document I found in the Alexandria City GIS system shows the dimensions of 520 Queen Street as 18' wide by 80' long.

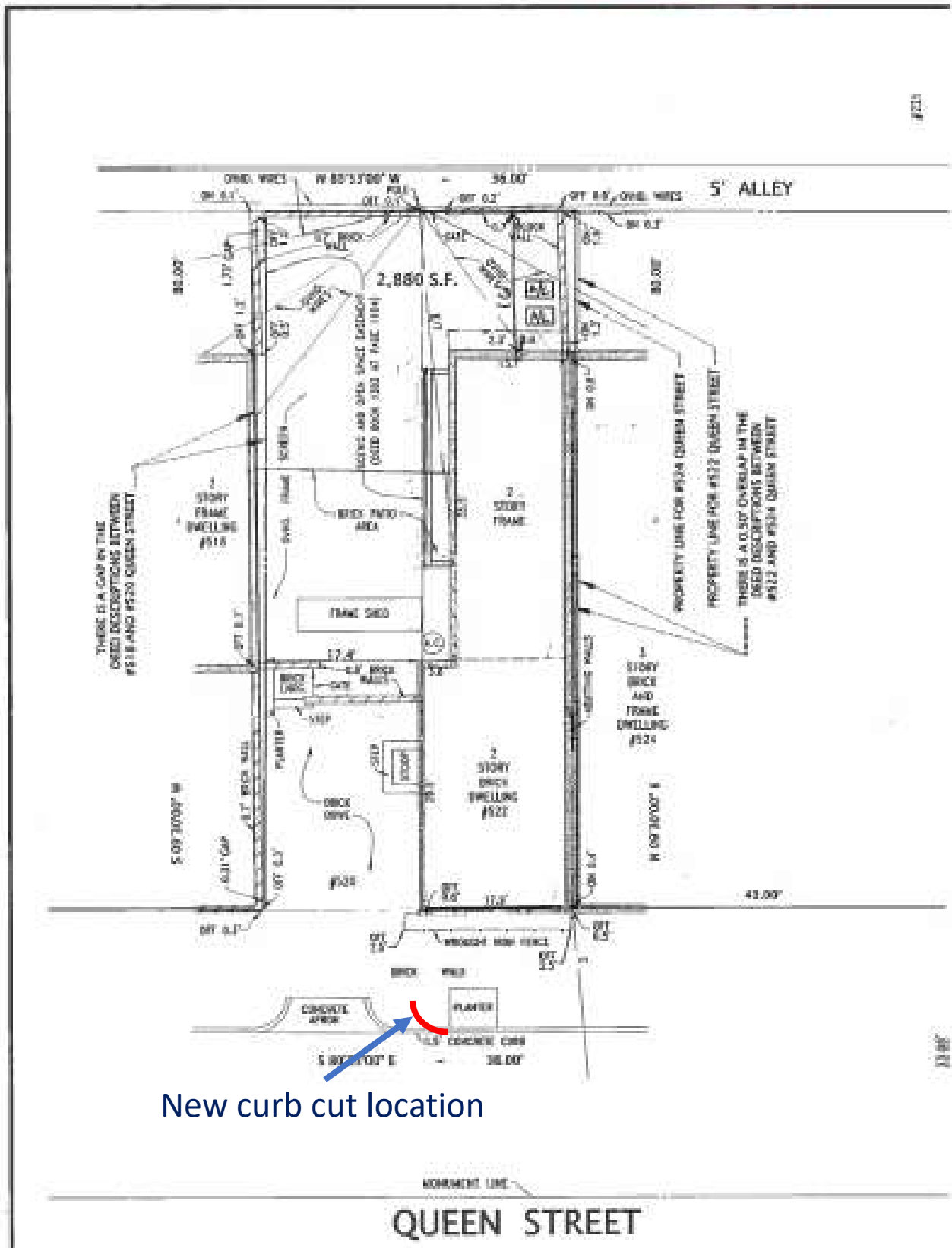


Below is a drawing with dimensions of the existing and proposed 3'11" expansion of the curb cut on the west side of 520 Queen Street. We own both 520 and 522 Queen Street, which were legally bound together from a sale standpoint when the former owners donated an open space easement to the Alexandria Historical Society over 20 years ago. So while this request would require a portion of the curb cut to be implemented on the sidewalk in front of both 520 and 522 Queen Street, we as the owners of both lots are requesting this improvement.



Proposed location of modified curb cut on 522 Queen Street Plat.

522 Queen



New curb cut location