

Docket Item #3  
BZA #2020-00016  
Board of Zoning Appeals  
October 19, 2020

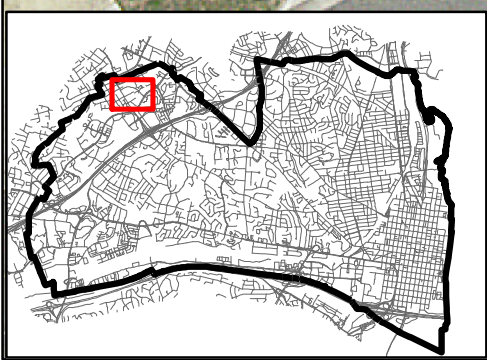
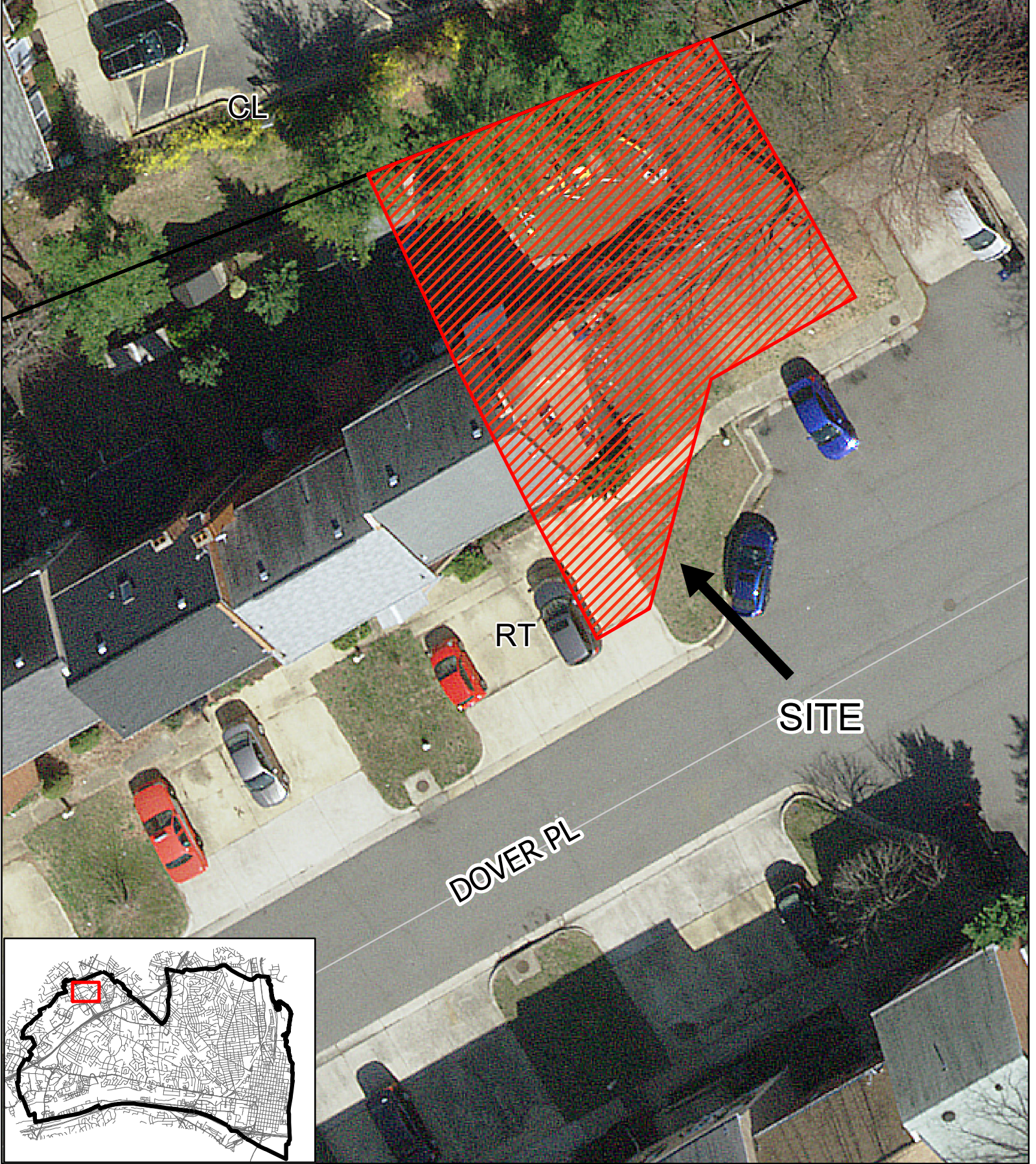
**ADDRESS:** 5201 DOVER PLACE  
**ZONE:** RT/ TOWNHOUSE ZONE  
**APPLICANT:** ASFAW L. ENDALKACHEW  
**ISSUE:** Variance to construct a deck in the required rear yard.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1306(A)(3)	Rear Yard	35.00 feet	17.05 feet	17.95 feet

Staff **recommends approval** of the requested variance because it meets the variance definition and standards.

If the Board grants the requested, it is subject to compliance with all applicable code requirements, ordinances, and recommended conditions found in the department comments. The applicant must also submit a survey plat prepared by a licensed surveyor confirming the deck footprint and setbacks prior to all final inspections. The variance must be recorded with the property’s deed in the City’s Land Records Office prior to the release of the building permit.





**BZA #2020-00016**  
**5201 Dover Place**

0 10 20 2 40 Feet





**I. Issue**

The applicant proposes to construct a deck 8.00 feet in height, in the required rear yard at 5201 Dover Place. The applicant submitted a permit that was mistakenly approved for a deck 2.00 feet above grade which is a permitted obstruction in the required rear yard.

**II. Background**

The subject property is located on one lot of record containing 4,322 square feet of lot area, with a lot frontage of 73.15 feet facing Dover Place, a depth of 85.56 feet along the west side property line, a depth of 54.41 feet along the east side property line; and a width of 59.23 feet along the north property line.

The lot is currently developed with an end unit townhouse dwelling. The dwelling's front wall is located 12.30 feet from the south/east front property line, on the west side property line, 34.70 feet from the east side property line and 28.00 feet from the north rear property line. According to real estate records, the residence was constructed in 1969.



*Figure 1: Subject Property*

Since, the September 14, 2020 hearing, staff conducted further research and located information pertaining the development of these townhomes, known as Hampton Row. On October 1, 1968, the Planning Commission approved the creation of 18 lots for townhomes. In conjunction with the subdivision, on October 22, 1968 the Board of Zoning Appeals granted BZA#1104, variances from multiple requirements of the previous Zoning Ordinance to include a reduction to the required rear yard from 35.00 feet to 28.50 feet at 5201 Dover, which is identified as lot 5. The Board noted the large size of this lot and the adequate side and rear yards provided as justification for this variance. According to the report, it was noted that staff indicated that, "The applicant could if required, turn the proposed dwelling on lot 5 and thereby provide the 35-foot rear yard." The applicant requested the variance to "achieve good architectural balance" within this group of dwellings.

The following table provide zoning analysis of the subject property.

<b>RT</b>	<b>Required/Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Lot Area	2,161.00 sq. ft	4,322.00 sq. ft.	2,161.00 sq. ft
Lot Width	45.00 ft.	62.80 ft.	62.80 ft.
Lot Frontage	45.00 ft.	73.15 ft.	73.15 ft.
Front Yard	6.00 ft.	12.30 ft.	12.30 ft.
Side Yard	20.00 ft.	34.70 ft.	34.70 ft.
Rear Yard	35.00 ft.	28.50 ft. *	19.00 ft.
Floor Area Ratio (FAR)	.5 (2161.00 sq. ft)	2081.75 sq. ft.	2081.75 sq. ft
Lot Coverage	.30 (1,289.00 sq. ft)	3,490.7 sq. ft.	3,226.7 sq. ft.

\*Rear yard setback approved by BZA#1104 on October 22, 1968.

### **III. Description**

To address the concerns of the size and mass of the deck, the applicant's new proposal was designed to address the overall size as well as the stairs. The applicant has reduced the deck to a depth of 11.00 feet from the house. The stairs were moved to the other end of the house as not to be adjacent to the neighbor at 5203 Dover Place. Per Section 7-202(A)(7), open stairs are permitted obstruction in any yard; therefore, the variance request is only for the deck itself.

The applicant proposes to construct a deck off the first story of the house and over a walk out basement (Figure 2). The deck would measure 11.00 feet by 24.00 feet for a total of 264 square feet and would be located 17.05 feet from the rear property line. The applicant indicated the deck from the first-floor main living area would allow for the disabled child to have access to an outdoor area that would accommodate mobility equipment. The applicant is seeking relief from the minimum 35.00 feet rear yard requirement to accommodate the needs of their disabled child.

The applicant applied for a building permit for a rear deck under BLDR2020-00599. Staff approved the permit and upon a receipt of a complaint, staff re-reviewed the permit to find that the regulations were administered incorrectly. Staff issued a stop work order and rescinded the zoning approval. Staff met with owner to find a potential solution. When it was recognized that no other solution was available, staff recommended the variance as the alternative solution.

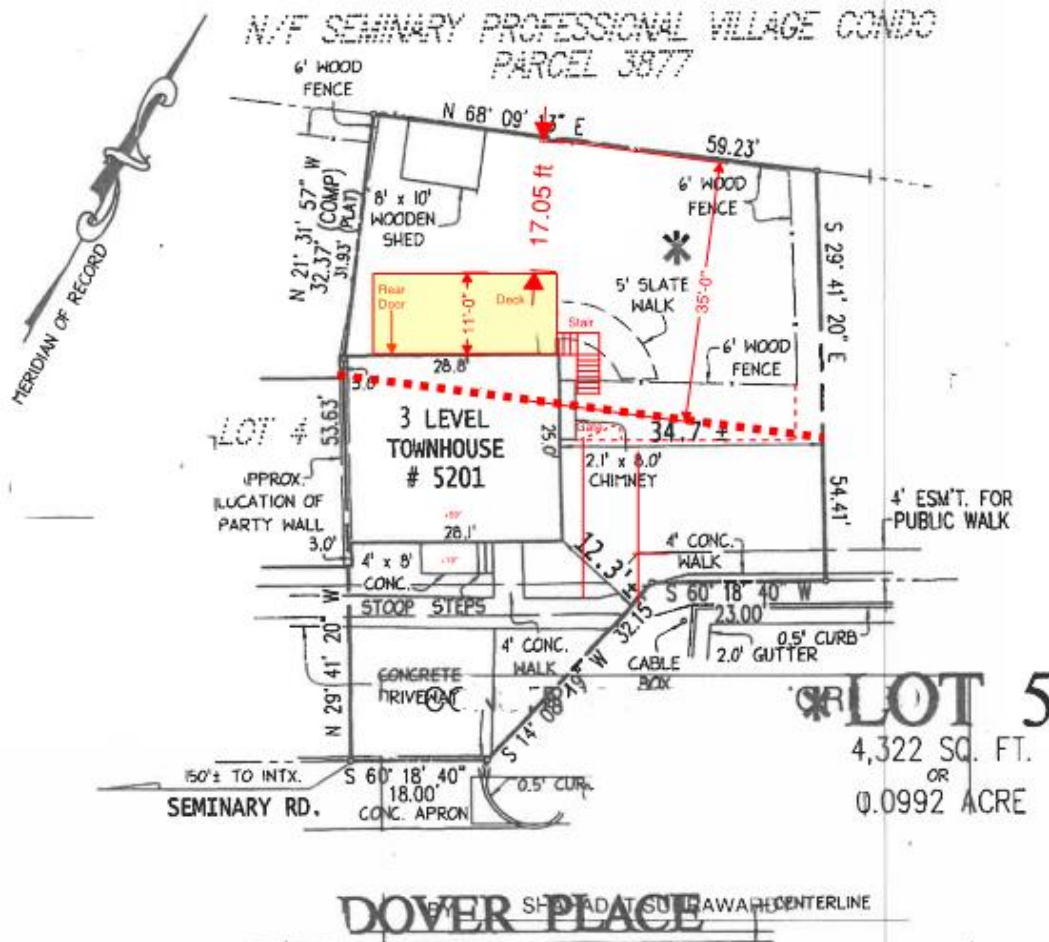


Figure 2: Proposed location of deck

IV. **Master Plan/Zoning**

The subject property is currently zoned RT, townhouse zone and has been so zoned since 1953. Prior, the property was zoned R-12 with the adoption of the Third Revised Zoning Map in 1951. The Alexandria West Small Area Plan identifies the property for residential land use.

V. **Requested Variance:**

3-1306(A)(3) Rear yard 35.00 feet

The applicant requests a variance of 17.95 feet from the minimum rear setback of 35.00 feet rear yard setback to erect an open deck, 17.05 feet from the rear property line.

VI. **Applicant's Justification for Variance**

The minimum rear yard setback requirement in the RT zone is 35.00 feet. The existing dwelling is located in the required rear yard which prohibits the applicant from constructing a rear deck of any size. The applicant is proposing a deck to allow a disabled child to have access to an outdoor area from the first floor which can accommodate the child's assistive

equipment. In addition, the applicant stated “a hardship was created by staff who approved a permit and had to rescind it due to the regulations.”

## 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.

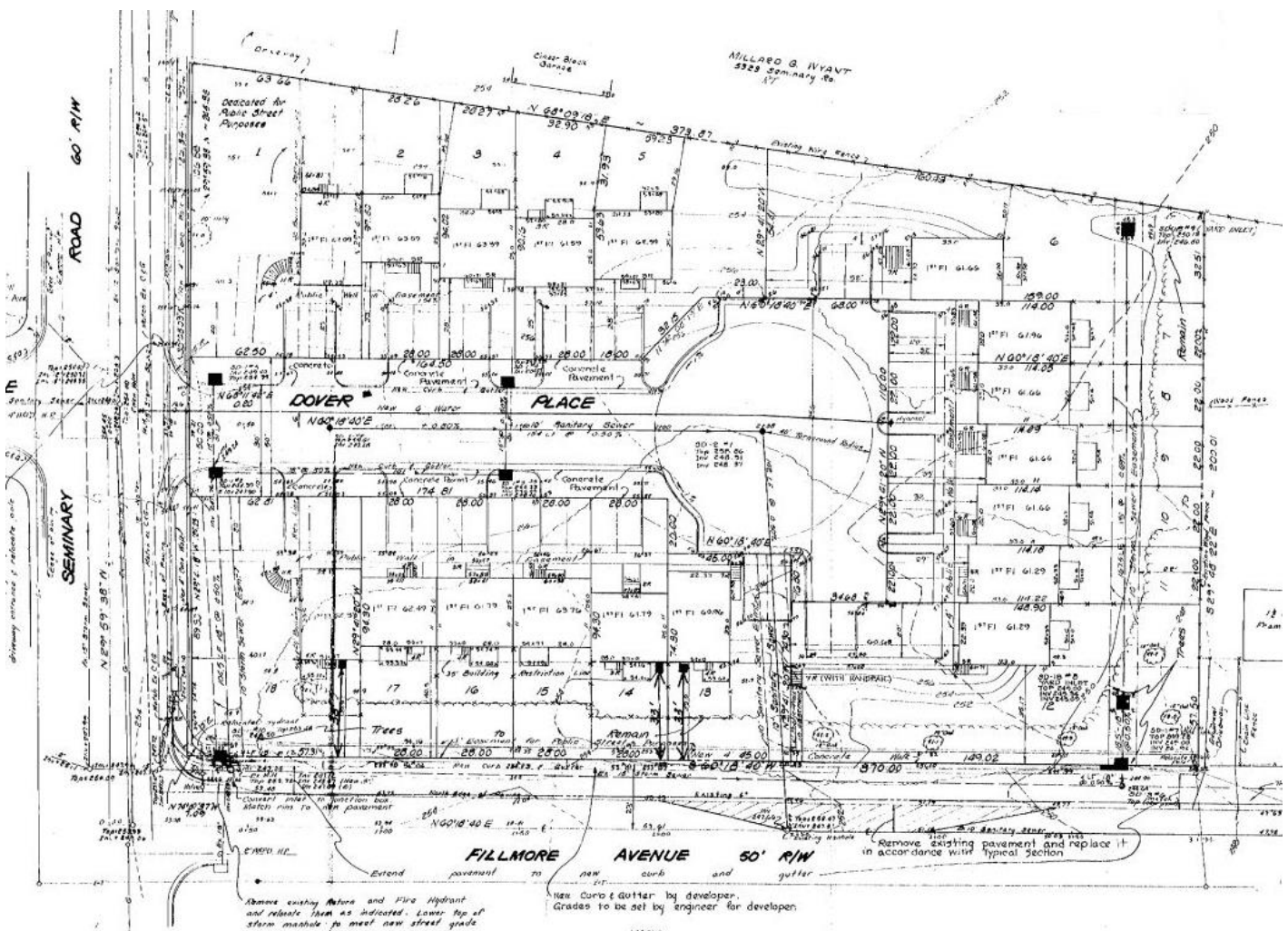


Figure 3: Hampton Row Cul de Sac

The request is a reasonable deviation due to the irregular shape of lot and the location of the existing building within the required rear yard. Most other lots on

Dover Place have deeper rear yards that would allow decks. The rear lot line of the subject property angles toward the dwelling moving from the west to east on the parcel. The existing condition for this property does not meet the minimum rear yard requirement and at the closest point, the rear yard setback is only 28.50 feet.

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

The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property. In 1967, the property was re-zoned from R-12, single family, to RT, townhouse by Ordinance 1454. In 1969, this property was granted a rear yard variance due to its large size and adequate side and rear yards provided. Since the current owners purchased the property in 2012, the dwelling has had a door from the main living area facing the rear yard. The strict application of the setback would prohibit the applicant from constructing a structure in a sizable portion of their rear and side yard based on the lot configuration. If a structure was placed in the side yard, the existing chimney, the angel of the front yard, the slope of the lot and the required side yard provide additional limitations that other properties in the subdivision would not have to address. Any construction to provide access to the ground level from the rear door, other than stairs with a required landing or ramp, would require approval of a variance.

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

The unusual shape of the subject property with a shallow back yard makes the property unique within this development and the City in general. Additionally, the previous variance approved the dwelling to be located in the required rear yard and because this unit is an end unit townhouse, it has a restrictive side yard of 20.00 feet, thus limiting the locations on the lot the applicant could construct a deck. Other properties zoned RT were granted modifications through the site plan or Special Use Permit process when they were originally developed.

Staff has analyzed the other properties within in this development to demonstrate the uniqueness of this request:

#### **5209 Dover Place**

This property is a corner lot; therefore, it has two front yard and a side yard. With a front yard requirement of 6.00 feet and a side yard of 20.00 feet, this lot can add footprint without petitioning the Board of Zoning Appeals. In addition, the topography of this parcel shows that the basement is partially underground where one would have to walk up from the basement to access the rear yard. Photos indicate that this parcel has a deck. Per Section 7-202 if a deck is not more than two feet above grade, it is permitted in a required yard. Since this is an end-unit



townhome, there is no side yard requirement on the side where the common wall is shared.

#### **5207 and 5205 Dover Place**

In looking at these two properties, the land not only begins to slope downward to the east, but the rear lot line also begins to angle in toward the rear of the buildings. On May 13, 1982, the Board of Zoning Appeals approved BZA#3062 a variance to construct a covered porch in the required rear yard at 5205 Dover Place. The chimney located between 5203 and 5205 limits the impacts of the porch.

#### **5203 Dover Place**

As the topography continues to slope downward, it is not until you get to 5201 that the topography begins to slope upward at the back yard. In addition, the angle of the rear lot line continues to angle in toward the rear building walls reducing depths of the rear yards for this row of townhouses. There appears to be a covered ground level porch located in the required rear yard at this location. There is no record of an approval for this construction.



*Figure 4: 5209 Dover Place*



*Figure 5: 5207 Dover Place*





*Figure 6: 5205 Dover Place*



*Figure 7: 5203 Dover Place*

**If we were to look at the opposite side of the cul-de-sac, these properties under the 1963 Zoning Ordinance had a zone transition requirement. Under the current Zoning Ordinance, there is not a zone transition requirement for Fillmore Avenue under Section 7-1005. Furthermore, all the lots in this subdivision, except for the lot addressed as 5224 Dover which has three front yards, would be allowed a deck.**

**There has been one other variance in this cul-de-sac. On May 13, 1983, the Board of Zoning Appeals granted a variance with BZA #3062 for the property located at 5205 Dover Place. The applicant requested a 10.00-foot variance from the rear yard setback to construct a rear porch.**

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

**This variance would not be contrary to the purpose of the ordinance. The Zoning Ordinance states the purpose of the RT zone is “to provide land areas for low density residential townhouse development at approximately nine units per acre which may be appropriate for infill sites in proximity to neighborhoods of low density single-family detached homes” which somewhat explains the restrictive side and rear yards. The Board of Zoning Appeals case #1104 discussed the intent to create larger lots to ensure the townhouse developments were compatible with nearby single-family developments. In this case, the rear yard to be reduced faces an office park in a commercial zone, not single-family residential homes.**

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

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

**VIII. Analysis of Variance Standards**

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

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

**The strict application would unreasonably restrict the utilization of the property. The RT zoning is the only zone for single-family and townhouse zones where the rear yard and the side yard setbacks are not based on a height to setback ratio with a minimum yard. This is the one zone in the ordinance where the rear yard setback is set at a minimum of 35.00 feet and the side yard setback is set at a minimum of 20.00 feet. It is the most restrictive with respect to all residential zones in the Zoning Ordinance.**

**In the case of the applicant, to construct a deck in compliance with the setbacks, a ramp would be required (Figure 8). While the Zoning Ordinance allows for ramps and similar structures necessary to provide access for the disabled as a “by right” structure allowed in all yards, the ramp would be long and not very user friendly.**

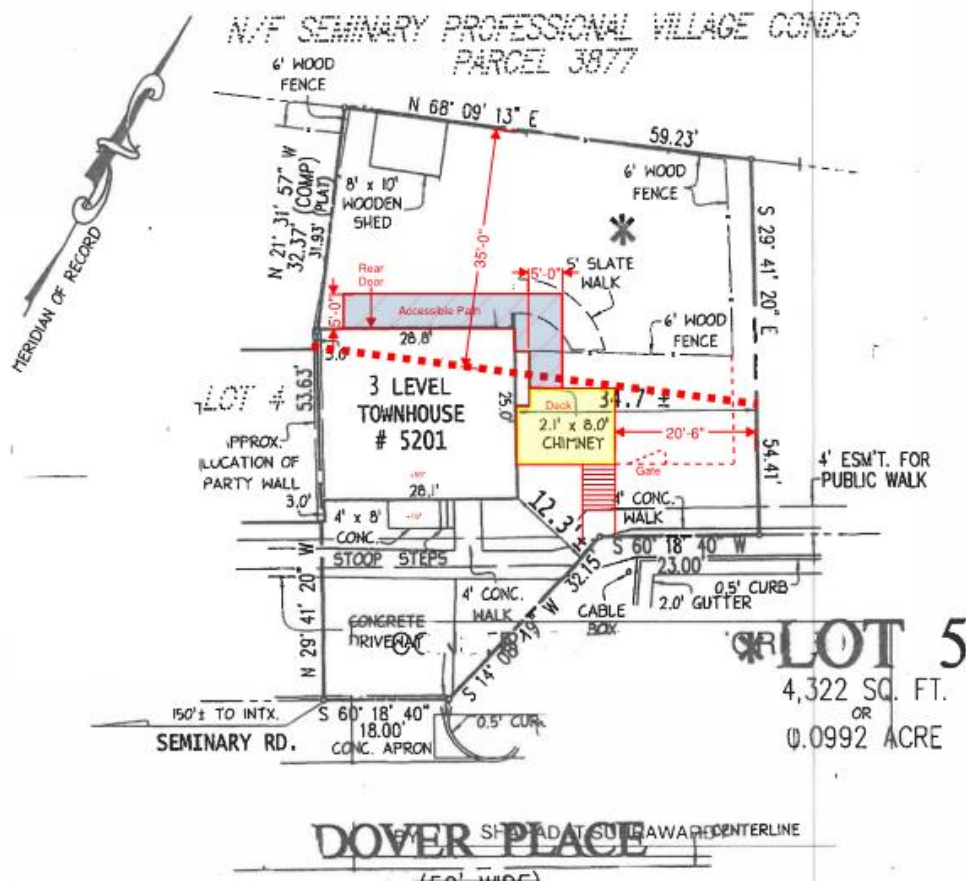


Figure 8: By Right Option for a Proposed Deck

- 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 applicant acquired the property in good faith. The existing house was constructed between 1969 and 1970. When the applicant purchased the home the door along the rear wall (Figure 9) of the first floor was existing, which led the applicant to believe a deck could be constructed off the rear building wall.





*Figure 9: 2012 Photo of door in dining room*

- 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 granting of the variance will not be of substantial detriment to the adjacent properties nearby. This is a townhouse community. Per Section 3-1301 of the Zoning Ordinance, the purpose of the RT zone is to establish low-density residential townhouse development in proximity to neighborhoods of low density single-family detached homes.**

**In the case of Hampton Row, these townhomes are varying in lot size and in height. There is a slope on this side of the development as it angles in a downward slope towards the subject property. The subject property is an end-unit townhouse. It is approximately 84.00 feet from the neighbor to the east. At the rear of the property is a professional business office complex that sits approximately 51.00 feet away. The most affected neighbor to the west is attached to the subject property. Townhouses do not have side yard requirements except in the case of an end unit. It is unreasonable for any person in a townhome development, where there are no side yard requirements, not to expect the potential of expansion of the property if there are options. The proposed deck will be coming from the first floor of the unit where the kitchen and dining area are located.**

**Lastly, this subdivision abuts a professional business office complex to the north of the property. As stated previously, the purpose of the RT zone is to establish**

**low-density residential townhouse development in proximity to neighborhoods of low density single-family detached homes. The subject property abuts an office development and not low-density single-family homes.**

**If there is concern for privacy issues, then staff would propose a manmade or vegetative screening be put between the subject property and the most affected neighbor. If there is concern as to the need for the existence of the deck after a sale of the property, then staff would propose a condition that the deck be removed upon the sale of the property.**

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

**This end lot unit in this cul-de-sac is unique in its odd shape as well as its sloping rear yard. Most other lots of Dover Place have deeper rear yards. The rear lot line of the subject property angles towards the dwelling moving from the west to east on the parcel. The rear yard setback is 31.93 feet and at the most restrictive portion, 28.50 feet. This property was granted a variance to construct the dwelling in the required rear yard.**

**This condition of this property is not of recurring in nature to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance. This entire development was approved with multiple variances.**

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

**The variance request 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.

**The relief sought by the variance application is not available through a special exception process or a modification of the Zoning Ordinance. This site was built under a variance. The subject property is the only property in BZA#1104 where a rear yard variance was granted.**

**IX. Staff Conclusion**

Staff **recommends approval** of the requested variance due to the unusual shape of the lot, the placement of the existing dwelling within the required rear yard and the restrictive side and rear yards.

**Staff**

Tony La Colla, AICP, Land Use Services Division Chief

Mary Christesen, Zoning Manager

Marlo Ford, AICP, Urban Planner III



## DEPARTMENTAL COMMENTS

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

\* The applicant is advised that if the special exception and/or variance is/are approved the following additional comments apply.

### Transportation and Environmental Services:

- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition, if a separate demolition permit is required. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- F-1 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Roof, surface, and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)

### Code Administration:

No comments received by this department

Recreation (City Arborist):

No Comments

Historic Alexandria (Archaeology):

F-1 No archaeological oversight will be necessary for this undertaking.



**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

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

3-1306(A)(3) Rear yard. Each dwelling shall provide a rear yard of at least 35 feet

**PART A**

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name ENDALKACHEW L ASFAW

Address 5201 Dover Place:

Alexandria, Virginia 22311

Daytime Phone 301.906.6673

Email Address endbezz@gmail.com

2. Property Location \_\_\_\_\_

3. Assessment Map # 10.02 Block 02 Lot 05 Zone RT

4. Legal Property Owner Name ENDALKACHEW L ASFAW

Address 5201 Dover Place:

Alexandria, Virginia 22311



## 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. ENDALKACHEW L ASFA	5201 Dover Place	100%
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 5201 Dover Place (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. ENDALKACHEW L ASFA	5201 Dover Place	100%
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. ENDALKACHEW L ASFA	N/A	N/A
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:**

Application to construct a rear deck 8.00 feet above grade but from the first floor living area in the required 35.00 feet minimum rear yard requirement.

**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: ENDALKACHEW L ASFAW

Date: 07/30/2020

Signature:



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

## **PART B**

### **APPLICANT MUST EXPLAIN THE FOLLOWING:**

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

#### **1. Please answer A or B:**

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

Due to the zone of the property, the minimum rear yard is 35.00 feet for a townhouse zone. The property would not be allowed for any accessory deck or even an addition from the first floor based on the zone. Staff approved a permit and had to rescind it due to the regulations.

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

If the variance is granted, the house would be able to have any extra amenity because the rear yard setback is more restrictive in this zone than any zone in the City.

#### **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.**

While the zoning regulations applies to all properties the subject property sits on a T-shaped cul-de-sac. The properties irregular shaped lot and the angle of the rear lot line has created a situation where any proposed structure will require a level of relief from the zoning regulations. The desire is the erect a deck to allow for accessibility to the outdoors for a disabled child that would accommodate chair and equipment.

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

This applies to all properties in this development but unsure if it applies to other neighborhood where the RT zone exist.

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

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

Yes.

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

Yes.

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

I applied for a building permit for a rear deck under BLDR2020-00599. Staff approved the permit and upon a complaint, staff re-reviewed the permit to find that the regulations were administered incorrectly. I was not aware of the setbacks.

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

No.

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

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

No, it would not. The request is for an open deck from the first floor living area. It would not prevent light or air to the most affected neighbor.



- 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.**

Plans have not been shown the proposed plans to the most affected property

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

No, there is not.

### **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.**

Yes. Staff has worked with the applicant to try to come up with an alternative plan for a deck with some ADA accessibility. Based on the shape of the lot, the topography of the yard, the owner would not be able to erect any structure from the basement or the first floor in the rear of existing dwelling unit.

The reason for exploring the ADA option is that there is a child with a disability that has caretakers.

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

Please see photos attached and permit.

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**\*\*\*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 5192 Dawes Ave 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. 5201 Dover Place RT  
Street Address Zone

A2. 4,322.00 x 0.50 = 2,161.00  
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

#### B. Existing Gross Floor Area

Existing Gross Area		Allowable Exclusions**		
Basement	701.25	Basement**		B1. 2,885.00 Sq. Ft.
First Floor	701.25	Stairways**	90.00	Existing Gross Floor Area*
Second Floor	701.25	Mechanical**	12.00	B2. 803.25 Sq. Ft.
Third Floor		Attic less than 7'***	701.25	Allowable Floor Exclusions**
Attic	701.25	Porches**		B3. 2,081.75 Sq. Ft.
Porches		Balcony/Deck**		Existing Floor Area Minus Exclusions
Balcony/Deck		Garage**		(subtract B2 from B1)
Garage		Other***		Comments for Existing Gross Floor Area
Other***	80.00	Other***		
B1. Total Gross	2,885.00	B2. Total Exclusions	803.25	

#### C. Proposed Gross Floor Area

Proposed Gross Area		Allowable Exclusions**		
Basement		Basement**		C1. 0.00 Sq. Ft.
First Floor		Stairways**		Proposed Gross Floor Area*
Second Floor		Mechanical**		C2. 0.00 Sq. Ft.
Third Floor		Attic less than 7'***		Allowable Floor Exclusions**
Attic		Porches**		C3. 0.00 Sq. Ft.
Porches		Balcony/Deck**		Proposed Floor Area Minus Exclusions
Balcony/Deck		Garage**		(subtract C2 from C1)
Garage		Other***		
Other***		Other***		
C1. Total Gross	0.00	C2. Total Exclusions	0.00	

#### D. Total Floor Area

D1. 2,081.75 Sq. Ft.  
Total Floor Area (add B3 and C3)

D2. 2,161.00 Sq. Ft.  
Total Floor Area Allowed by Zone (A2)

#### E. Open Space (RA & RB Zones)

E1. 3,018.00 Sq. Ft.  
Existing Open Space

E2. 1,289.00 Sq. Ft.  
Required Open Space

E3. 2,667.00 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. 5201 Dover Place  
Street Address

R-20  
Zone

A2. 4,322.00 x 0.50 = 2,161.00  
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

### B. Existing Gross Floor Area

Existing Gross Area		Allowable Exclusions**		
Basement	701.25	Basement**		B1. 2,885.00 Sq. Ft.
First Floor	701.25	Stairways**	90.00	Existing Gross Floor Area*
Second Floor	701.25	Mechanical**	12.00	B2. 803.25 Sq. Ft.
Third Floor		Attic less than 7'***	701.25	Allowable Floor Exclusions**
Attic	701.25	Porches**		B3. 2,081.75 Sq. Ft.
Porches		Balcony/Deck**		Existing Floor Area Minus Exclusions (subtract B2 from B1)
Balcony/Deck		Lavatory***	117.00	
Lavatory***		Other**		
Other**		Other**		
B1. <b>Total Gross</b>	2,885.00	B2. <b>Total Exclusions</b>	803.25	

**Comments for Existing Gross Floor Area**

3 baths and (1) 1/2 bath \*\* other = shed

### C. Proposed Gross Floor Area

Proposed Gross Area		Allowable Exclusions**		
Basement		Basement**		C1. 0.00 Sq. Ft.
First Floor		Stairways**		Proposed Gross Floor Area*
Second Floor		Mechanical**		C2. 0.00 Sq. Ft.
Third Floor		Attic less than 7'***		Allowable Floor Exclusions**
Attic		Porches**		C3. 0.00 Sq. Ft.
Porches		Balcony/Deck**		Proposed Floor Area Minus Exclusions (subtract C2 from C1)
Balcony/Deck		Lavatory***		
Lavatory***		Other**		
Other		Other**		
C1. <b>Total Gross</b>	0.00	C2. <b>Total Exclusions</b>	0.00	

### D. Total Floor Area

D1. 2,081.75 Sq. Ft.  
Total Floor Area (add B3 and C3)

D2. 2,161.00 Sq. Ft.  
Total Floor Area Allowed  
by Zone (A2)

### E. Open Space (RA & RB Zones)

E1. 3,018.00 Sq. Ft.  
Existing Open Space

E2. 1,289.00 Sq. Ft.  
Required Open Space

E3. 2,667.00 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: \_\_\_\_\_

13

Date: \_\_\_\_\_



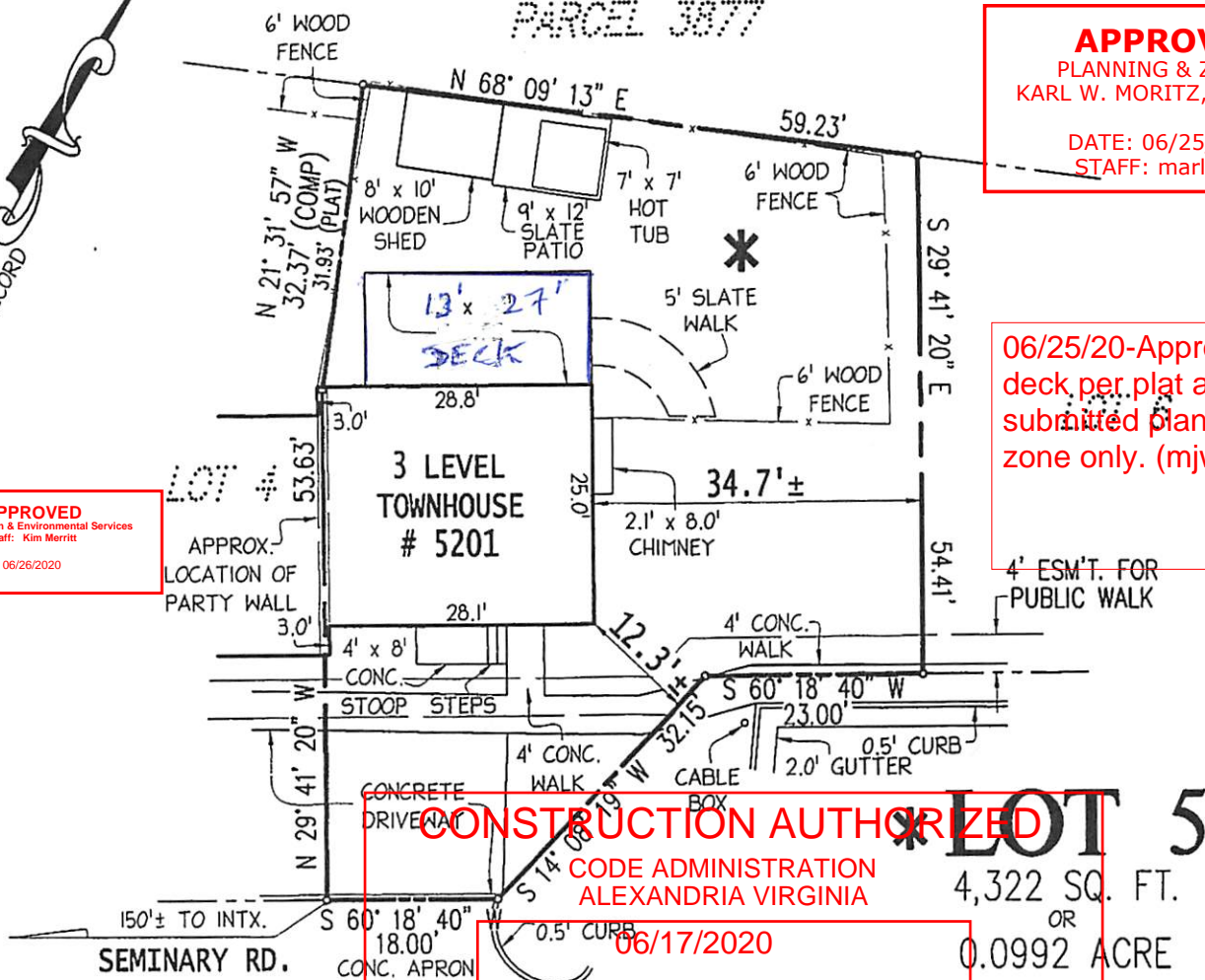
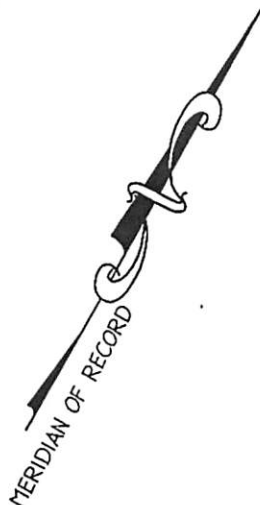
N/F SEMINARY PROFESSIONAL VILLAGE CONDO  
PARCEL 3877

**APPROVED**  
PLANNING & ZONING  
KARL W. MORITZ, DIRECTOR

DATE: 06/25/2020  
STAFF: marlo.ford

06/25/20-Approve for  
deck per plat and  
submitted plan and RT  
zone only. (mjw)

**APPROVED**  
Transportation & Environmental Services  
Staff: Kim Merritt  
06/26/2020



**CONSTRUCTION AUTHORIZED**

CODE ADMINISTRATION  
ALEXANDRIA VIRGINIA

06/17/2020

THESE DOCUMENTS APPEAR TO COMPLY WITH  
APPLICABLE CODES AND REGULATIONS

DOVER PLACE  
BY SHAHADAT SUNRAWARDY CENTERLINE

(50' WIDE)

SUBJECT TO FIELD INSPECTIONS

NOTES:

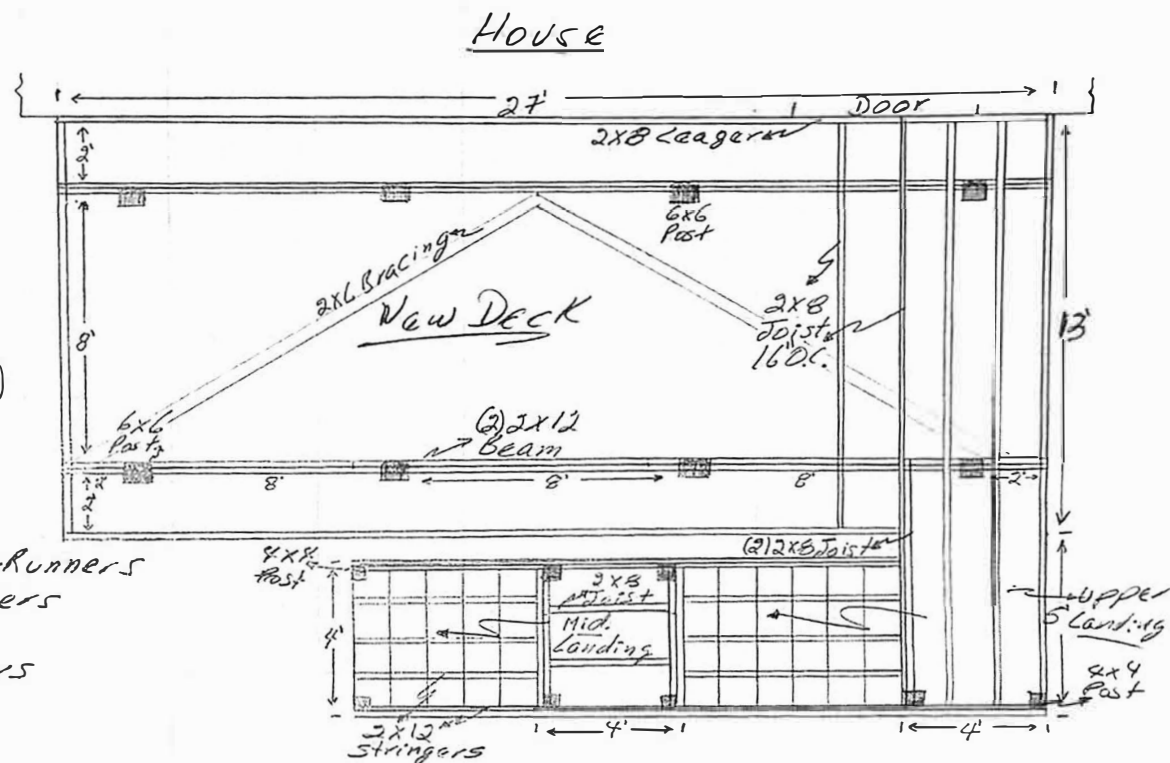
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP# 5155190028E EFFECTIVE DATE: JUNE 16, 2011
- 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES. (INCLUDING FENCES)
- 4) LOCATION OF FENCES (IF ANY) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED BY MAP-BLOCK-LOT # 010.02-02-05
- 6) PROPERTY CORNERS NOT SET PER

LEGEND:

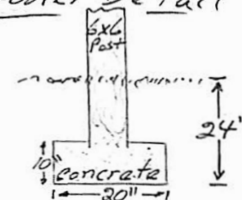
I.P.F. DENOTES IRON PIPE FOUND  
-X- DENOTES FENCE LINE  
N/F DENOTES NOW OR FORMERLY



6x6 Post 8' O.C. (Max)  
2x8 Ledger  
2x8 Joist 16" O.C.  
(2) 2x12 Beams  
4x4 Rail Post  
Vinyl w/ Aluminum Rail-Runners  
3/4 Aluminum Bolsters  
1x6 Trex Decking  
2x12 stair stringers



Footer Detail



Attn: Zoning Division/Board of Zoning Appeals

As a US citizen, a longtime resident of Virginia and the City of Alexandria I would like to submit this grievance against my neighbor who resides next to my house and his address is 5201 Dover Pl. Alexandria VA 22311.

On July of this year the owner of 5201, Mr. Endalkachev Asfaw, has started to build a high-level accessory deck on the backyard of his townhouse. He neither informed me as immediate and most affected neighbor nor he informed anyone in the neighborhood about his high-level deck project.

When I called the city Zoning division about regulations the inspector on duty did not take any action. Following that I addressed the issue in writing to the City Public Concern site. Deck project was put temporarily on hold. As it was researched before, none of the townhouses in the Dover Pl. community can build any permanent addition to the dwelling. It is strictly banned by the City Regulations.

However, Mr. Endalkachev Asfaw started a new process calling for Public Hearing. I received a copy of it via certified email sent by the City of Alexandria (BZA #2020-00016). This move by Mr. Endalkachev Asfaw is clearly to pursue an exclusive privilege in the development and adding extra value to the 5201 property, against entire neighborhood. (Please be aware that Mr. Mr. Endalkachev Asfaw didn't post Public Hearing notice in the main street but on his less seen by public yard only.)

Another reason of pursuing a special treatment is to expand the childcare business that is under operation in 5201 Dover Pl. For several years Mr. Endalkachev Asfaw runs a childcare business that fully occupies his basement and the backyard. Since he or his family cannot use the basement and its backyard exit during business hours, he pursues to have a deck that would allow him entry/exit from ground floor and also all-angle yard monitoring. It should be noted that 5201 childcare business already causes me inconveniences with extra noises, constant parking on my driveway and blocking it.

I am now the most affected household with the attempt of Mr. Endalkachev Asfaw to build an accessory deck. If that allowed, he would have a direct visual/audio access to all my windows on the ground floor. Such deck will directly violate my privacy. Mr. Endalkachev Asfaw will have an incessant access to my yard from his almost touching my fence deck. The deck will affect every point of my property creating asymmetric look, decreasing value of my house permanently. The deck will be an unsafe addition to my house and to 5201 residence itself.

Due to its location and shape, 5201 house has the best access in the development, allowing entry/exit from main door and from the gate in the back/side yard. The gate though is given to childcare business which benefits the owner with extra income. Now he wants (at my and the city expense) to alter the property toward his own business interest. It is exactly what Mr. Endalkachev Asfaw pursues.

If the city favors one resident over another in the same development, that will lead to biased approach and subsequently to legal challenges. It will also trigger dozens other applications with hundreds of reasons to reshape the properties to own benefit, not only in Dover Pl. but in surrounding neighborhoods as well.

I clearly address the City Zoning not to violate existing regulations and disapprove the accessory deck application in 5201 Dover Pl. That will be fair not only to me (as the most affected neighbor) but to the entire development and the City of Alexandria.

Respectfully,  
Karim Khodjibaev  
Owner of 5203 Dover Pl.  
703 7314126

Karin Kludtke  
5203 Dover Pl.  
Alexandria VA 22311

NOVA 220  
9 SEP 2020 PM 2 L



City of Alexandria  
Zoning division

301 King St. ~~VA 22314~~  
Alexandria VA 22314

22314-321401

NOVA 220  
9 SEP 2020 PM 2 L



## Kaliah L Lewis

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**From:** Alexa N Powell  
**Sent:** Tuesday, September 8, 2020 3:23 PM  
**To:** Kaliah L Lewis  
**Subject:** FW: [EXTERNAL]Property alteration issue 5201 Dover Place (BZA2020-00016)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kaliah,  
Please see below for public comments regarding the 5201 Dover Place (BZA2020-00016) case.  
Thanks,

Alexa Powell  
Urban Planner II  
City of Alexandria - Department of Planning & Zoning  
301 King Street, Room 2100  
703.746.3864



United States®  
**Census  
2020**

**Everyone Counts!**

Complete the Census to  
Help Your Community

[alexandriava.gov/Census2020](https://alexandriava.gov/Census2020)

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**From:** KAMSY MAKSY <kamsymaks@gmail.com>  
**Sent:** Tuesday, September 8, 2020 2:56 PM  
**To:** PCZoning <PCZoning@alexandriava.gov>  
**Subject:** [EXTERNAL]Property alteration issue

Attn: Zoning Division/Board of Zoning Appeals

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Another reason for pursuing a special treatment is to expand the childcare business that is under operation in 5201 Dover Pl. For several years Mr. Endalkachev Asfaw runs a childcare business that fully occupies his basement and the backyard. Since he or his family cannot use the basement and its backyard exit during business hours, he pursues to have a deck that would allow him entry/exit from the ground floor and also all-angle yard monitoring. It should be noted that 5201 childcare business already causes me inconveniences with extra noises, constant parking on my driveway, and blocking it.

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Respectfully,  
Karim Khodjibaev  
Owner of 5203 Dover Pl.  
703 7314126

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