

Docket Item #3  
BZA #2020-00021  
Board of Zoning Appeals  
January 11, 2021

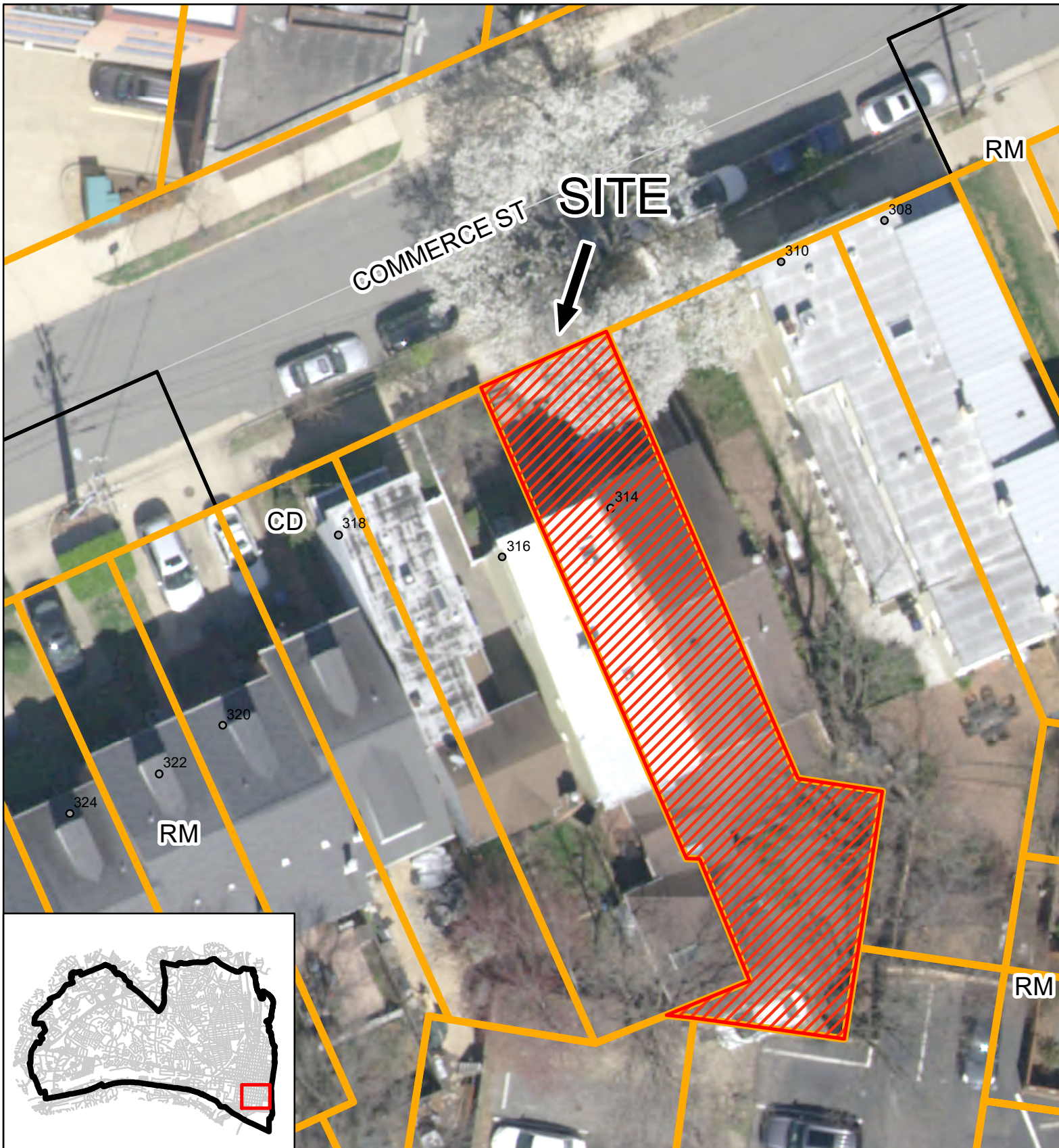
**ADDRESS:** 314 COMMERCE  
**ZONE:** CD/COMMERCIAL DOWNTOWN ZONE  
**APPLICANT:** JOSH AND EMILY GALER, REPRESENTED BY RACHEL DEBAUN

**ISSUE:** Variances to construct a roof deck in the required side and rear yards, and a pergola in the required rear yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-506(A)(2)(b)(1)	Side Yard (East)	5.00 ft	2.70 ft	2.30 ft
4-506(A)(2)(c)(1)	Rear Yard	16.00 ft	2.67 ft	13.33 ft

Planning and Zoning staff **recommends approval** of the requested variances because the request meets the criteria for a variance.

If the Board grants the requested variances, it is subject to compliance with all applicable code requirements, ordinances, and recommended conditions found in the department comments. 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 #2020-00021**  
**314 Commerce Street**

0 10 20 40 Feet





**I. Issue**

The applicant proposes to construct a roof deck in the required east side yard and required rear yard and a pergola in the required rear yard.

**II. Background**

The subject property consists of one lot of record with 21.02 feet of frontage facing Commerce Street, a depth of 121.83 feet and a lot area of 2,549 square feet. The property has an unusual shape (as shown in figure 2), with 78.44-foot and 13.23-foot east side property lines, 42.67-foot, 28.10-foot, 17.58 foot, and 3.15-foot rear property lines, and 22.70-foot and 83.65-foot west property lines. The subject property is substandard in frontage for a two-family semi-detached dwelling unit in the CD zone.

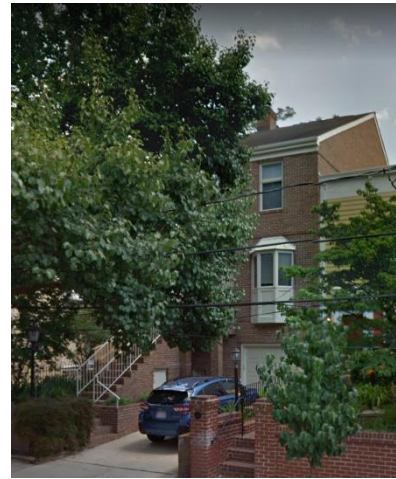


Figure 1: Subject Property

The property is developed with a three-story semi-detached dwelling with a one-story room in the rear. The dwelling is located 23.80 feet back from the front property line facing Commerce Street, 2.7 feet from the east property line and shares a wall with the neighboring property at 316 Commerce Street. The property is located 2.67 feet from the closest rear property line and between 36.17 feet and 40.58 feet from the additional rear property lines. 314 Commerce Street is located within the boundaries of the locally designated Old and Historic Alexandria District. The subject property was historically part of the neighboring property at 316 Commerce and is shown as a vacant part of 316 Commerce on the 1902 and 1921 Sanborn maps. This block of Commerce Street was added to the Old and Historic District in 1984.

In 1978, the property at 316 Commerce was subdivided into two lots. The 3.15-foot rear property line at 314 Commerce was created to accommodate an existing rear garage at 316 Commerce. There have been three BZA cases for this property. In 1979 (BZA1893) and in 1983 (BZA4065), the BZA granted variances to reduce the east side yard setback to 3 feet and the west side yard setback to 0 feet (the C-3 zone required two 17-foot side-yard setbacks), but nothing was constructed. In 1985, the BZA approved a variance to reduce the east side yard by 14 feet and the west side yard by 17 feet (BZA5234), leaving a 3-foot setback on the east side property line and no setback on the west side property line. The

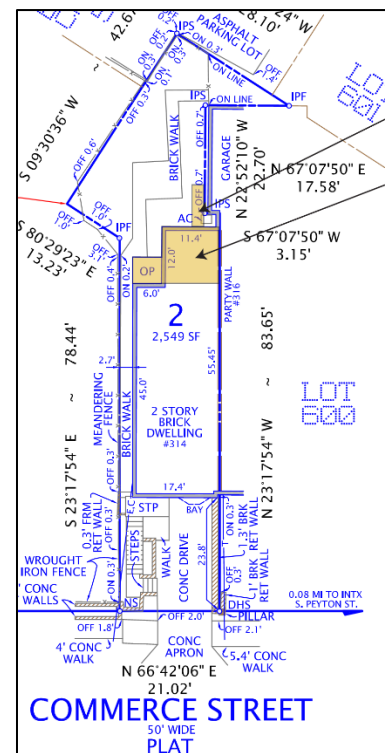


Figure 2: Subject Property Plat

variances were granted because the restrictive side and rear yard setbacks of the C-3 zone were found to unreasonably restrict the use of the property due to the lot's narrowness. The current structure is consistent with what was approved in 1985.

The following table provide zoning analysis of the subject property.

CD	Required/Permitted	Existing	Proposed
Lot Area	1,452sq. ft.	2,549 sq. ft.	2,549 sq. ft.
Lot Frontage	25.00 ft.	21.02 ft.	21.02 ft.
Front Yard setback	0 ft. or average distance of the existing buildings	23.80 ft.	23.80 ft.
Side Yard (East)	5.00 ft.	2.70 ft. *	2.70 ft. *
Side Yard (West)	0.00 ft.	0.0 ft.	0.0 ft.
Rear Yard	16 ft. minimum, 1:2	2.67 ft	2.67 ft.
Floor Area Ratio (FAR)	3,186 sq. ft. (1.25)	2,486 (gross) sq. ft.	2,486(gross) sq. ft.
Open Space	892 sq. ft. (35%)	1,130 sq. ft.	1,104.49 sq. ft.

*\* Side setback of 3.00 feet approved by BZA5234, 2.70 feet is within contractor error allowed by section 11-105.*

### III. Description

The proposed roof deck will measure 12.23 feet by 11.6 feet and will be 6.83 feet in height from grade, plus 3-foot-tall railings. The deck will cover the entire roof over the existing first floor rear area shown in figures 3 and 4. The proposed pergola slants upwards towards the house and is between 8.00 feet and 10.83 feet in height from the roof deck, for a total maximum height of 17.67 feet from grade.



Figure 3

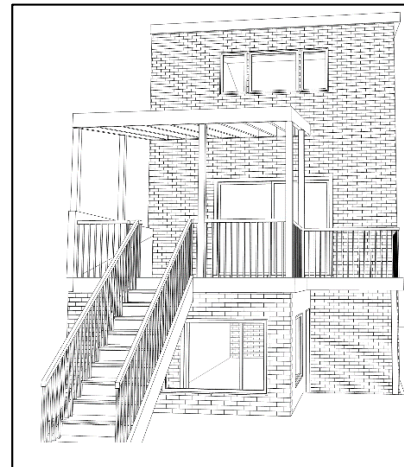


Figure 4

As show in green and labeled #3 in figure 5, most of the proposed roof deck, railings, and pergola are allowed by-right. The part of the roof deck and railings that require a variance from the side yard setback is the 2-foot x 5.75-foot area labeled #1 and the parts of the roof deck, railings, and pergola that require a variance from the rear yard setback is the 12.25-foot x 3.15-foot area labeled #2.

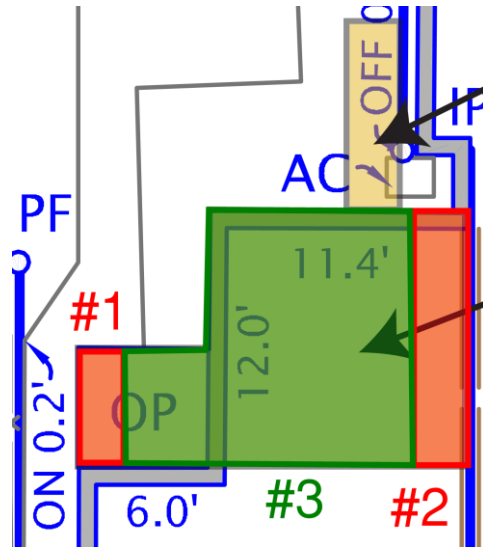


Figure 5

IV. **Noncomplying Structure/ Substandard Lot**

The existing building at 314 Commerce Street is a noncomplying structure with respect to the following:

	<b><u>Required</u></b>	<b><u>Existing</u></b>	<b><u>Noncompliance</u></b>
Lot Frontage	25.00 ft	21.02 ft	3.098 ft

V. **Master Plan/Zoning**

The subject property is zoned CD, commercial downtown zone, has been so zoned since 1992, and is identified in the King Street Metro/Eisenhower Avenue Small Area Plan for mixed used. In 1984, the Old and Historic Alexandria District extended two blocks west, adding this block into the district.

VI. **Requested Variance:**

Zoning Ordinance § 6-403(B)(4) requires the roof deck and required guards (railings) to meet the setbacks listed for the CD zone. The CD zone, per Zoning Ordinance § 4-506(A)(2)(b)(1), requires one 5.00 foot side yard setback and, per Zoning Ordinance § 4-506(A)(2)(c)(1), a minimum of 16.00 foot rear yard setback for the subject property. The proposed deck and its required guards will be located 2.7 feet from the east side property line and 2.67 feet from the rear property line. The applicant requests a variance of 2.30 feet and 13.33 feet respectively. Zoning Ordinance §7-202(A)(5)(a) requires all pergolas within a required yard to be less than 10.00 feet tall. The proposed pergola within the required rear yard is between 14.83 and 17.67

feet in height. The applicant requests a variance for the portion of the pergola that is within the rear required yard.

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

The applicant states that a roof and roof deck that complied with the zoning requirements would lead to water infiltration issues at the existing rear areaway. If the lot was 25 feet wide, it would be conforming, and the side setback would not be a concern.

**VIII. Analysis of Variance Definition**

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

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

**The proposed roof deck, including the required guards and the pergola, are reasonable deviations as they would not alter the size, area, location, or bulk of the existing residence. The portions of the pergola and roof deck within the required rear yard would both be allowed by-right if not for the odd shape of the lot. The 3.15-foot rear lot line creates an additional rear required yard that would not exist if the west property line was straight. This 3.15 rear lot line was created when the property was subdivided in 1978 to accommodate an existing garage at 316 Commerce Street. The required guards and the pergola would increase the height within the required yard but would be open to light and air. The proposed deck and railings are also reasonable because rooftop decks are a common element seen in residences throughout the historic districts.**

- 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, as the 3.15-foot rear property line is an uncommon and odd lot line that restricts development for 16 feet along the west property line that would otherwise have no setbacks. The substandard narrowness of the lot also unreasonably restricts the buildable area.**

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

**The need for a variance for side yard setbacks for the roof deck and railings would be shared by some properties that are closer to their side property lines than the current ordinance allows, but the need for a variance for the rear yard setback to accommodate 3.15 feet of the pergola and western part of the roof deck and railings is not shared by other properties because of the unique shape of the lot.**

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

**The existing building is already in both the rear and east side yard setbacks. Because the proposed portions of the deck, railings, and pergola in the required yards are minimal, the requested variance is not contrary to the ordinance.**

- 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 two-family semi-detached dwelling.**

#### **IX. Analysis of Variance Standards**

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

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

**The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, as the 3.15-foot rear property line is an uncommon and odd lot line that restricts development for 16 feet along the west property line that would otherwise have no setbacks. The substandard narrowness of the lot also unreasonably restricts the buildable area. The proposed deck and pergola cover the first floor of the existing structure and will not add to the footprint or square footage to the property.**

- 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 received a variance to reduce the two 17-foot side yard setbacks that were required in 1985, before the current ordinance was in place.**

- 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 surrounding adjacent properties. The roof deck, railings, and pergola would not hinder light or air in any way that would affect the adjacent residential properties.**

- 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 for side yard setbacks for the roof deck and railings would be shared by some properties that are closer to their side property lines than the current ordinance allows, but the need for a variance for the rear yard setback to accommodate 3.15 feet of the pergola and western part of the roof deck and railings is not generally shared by other properties because of the unique shape of the lot.**

- 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, as Section 11-1302(B)(1) states that only one noncomplying plane can be extended or enlarged with a special exception. The proposed roof deck would be located along both the east side yard and west rear property lines. A pergola that exceeds 10 feet in height in a required yard does not qualify for the special exception process.**

**X. Staff Conclusion**

Staff **recommends approval** of the requested variances to allow a roof deck and railings in the required side and rear yards and a pergola in the required rear yard.

*Staff:*

*Maggie Cooper, Urban Planner III, [margaret.cooper@alexandriava.gov](mailto:margaret.cooper@alexandriava.gov)*

*Mary Christesen, Zoning Manager, [mary.christesen@alexandriava.gov](mailto:mary.christesen@alexandriava.gov)*

*Tony LaColla, AICP, Land Use Services Division Chief, [anthony.lacolla@alexandriava.gov](mailto: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.

#### Board of Architectural Review

- F-1 The subject property is located in the locally regulated Old and Historic Alexandria District (OHAD). Any demolition/capsulation, addition or alterations to the subject property requires a Permit to Demolish/Capsulate or Certificate of Appropriateness from the Board of Architectural Review.
- F-2 According to City tax records, this house was built in 1987.
- F-3 Staff does not object to the proposed variances to facilitate construction of a proposed roof deck above the existing first-floor rear addition.

#### Transportation and Environmental Services:

##### **CONDITIONS**

- R1. 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)
- R2. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R3. 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)

##### **FINDINGS:**

- F1. 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)

##### **CODE REQUIREMENTS**

- 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-4All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)

C-5Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

C-6All 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:

A building permit and plan review are required prior to the start of construction.

Recreation (Arborist):

This department reviewed the project and had no comments

Historic Alexandria (Archaeology):

No archaeological oversight necessary for this undertaking.



# APPLICATION BOARD OF ZONING APPEALS

## VARIANCE

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

4-506 (A)(2)(e)(2) - Open and Usable Space

4-506 (A)(2)(b)(1) - Side Yard Setback

### PART A

1. Applicant: ☐ Owner ☐ Contract Purchaser ☒ Agent  
Name Rachel DeBaun, Moore Construction Group  
Address 3335 Duke Street  
Alexandria, VA 22314  
Daytime Phone 703-960-0253  
Email Address rachel@moorecg.com
2. Property Location 314 Commerce Street
3. Assessment Map # 074.01 Block 12 Lot 03 Zone CD
4. Legal Property Owner Name John & Emily Galer  
Address 314 Commerce Street  
Alexandria, VA 22314

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than 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.	3335 Duke Street	0%
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 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.		

**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.

## 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. Rachel DeBavn	3335 Duke Street	0%
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 314 Commerce St (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. John Galer	314 Commerce St	50%
2. Emily Galer	314 Commerce St	50%
3.		

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

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

Existing semi-detached townhouse with existing single story rear addition with roof overhang over sunken areaway.

Homeowner would like to add roof deck above single story rear addition instead of roof with stair down to back door. In order to have proper water management at recessed areaway request is being made to have roof deck cover existing footprint of roof that goes into the required 5' side setback. Additionally proposed stairwell reduces open space of area below required percentage but lot is already below 35%. The stairwell will provide access to back yard from main living level

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

☒ Yes — Provide proof of current City business license.

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

**PART B**

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

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

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

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

The enforcement of the zoning variance would prohibit the homeowner from building the roof deck as the existing roof currently alleviates water infiltration into the areaway and a roof deck that would be compliant to the setback would require the existing roof structure to be demolished and water to get into the areaway. In terms of the stairwell, the lot is already non-complaint in width and open space and has an irregular shaped rear yard if the client was not able to build proposed stair they would have to continue to access their backyard grill from their rear kitchen in a circuitous path by going out front door down stairs and around or down the interior stairwell at the front of the house and through finished living and office space to exit at the existing rear areaway door

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

With the lot already being deficient on open space, the roof deck and connected stairwell would allow more outside usable space for the homeowners and provide better access to their back yard from their main living level as their kitchen, dining, and living room are located at the second level above grade within their three story home.

**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.**

Most other lots on the block have their main level of living at grade so they have easy access to their backyard.  
Additionally, most other lots of the block are interior lots that do not require the 5' setback either side.  
Lastly, this lot is irregularly shaped as most lots on this block, however while many of the lots gain open space in their back yards as a benefit of being irregularly shaped, this particular lot appears to have its yard truncated at one corner by the lot behind the property.

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

No, most other lots are interior lots that require not setback and have direct access to their backyards from their main living level.  
Additionally, Per 4-505(B)(1)(b) this CD lot should 25' wide but it is only 21.02' wide.  
If the property were a conforming lot the setback would not be a concern.

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

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

The existing roof that we are requesting be allowed to be converted to a roof deck did exist when the current homeowners purchased the property

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

The homeowner was unaware their lot and structure were non-compliant at time of purchase.

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

The property was built in 1987. We are unsure at what point the zoning ordinance was modified to make this a non-compliant structure / lot.

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

No, neither the applicant nor current homeowner created the restriction or hardship

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

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

The proposed variance will not be detrimental to the adjacent properties or neighborhood in general. There is already an existing roof structure within the 5' setback and the existing 3 story home that is 45' long is also built within the 5' setback

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**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.**

No, but we will contact them prior to October 30th submission date.

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

It our understanding because we are seeking relief on both side yard setback and open space we must seek a variance

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**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.**

Constructing roof deck fully within 5' setback was considered, but water infiltration into basement areaway and further inside the house seemed likely and detrimental

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

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**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: Rachel DeBaun

Date: 10/16/20

Signature: Rachel DeBaun Digitally signed by Rachel DeBaun  
Date: 2020.10.15 10:47:08 -04'00'

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.

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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 \_\_\_\_\_ 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.**



**B**

# DEPARTMENT OF PLANNING AND ZONING

## FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

### A. Property Information

A1. Street Address 314 Commerce Street Zone CD

A2. 2549 x 1.5 = 3823.5  
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

### B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	920	Basement**	
First Floor	783	Stairways**	0
Second Floor	783	Mechanical**	0
Third Floor			
		Total Exclusions	0
<b>Total Gross *</b>	<b>2486</b>		

B1. Existing Gross Floor Area \*  
2486 Sq. Ft.

B2. Allowable Floor Exclusions\*\*  
0 Sq. Ft.

B3. Existing Floor Area minus Exclusions  
2486 Sq. Ft.  
 (subtract B2 from B1)

### C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Other**	
Porches/ Other		Total Exclusions	
<b>Total Gross *</b>			

C1. Proposed Gross Floor Area \*  
0 Sq. Ft.

C2. Allowable Floor Exclusions\*\*  
0 Sq. Ft.

C3. Proposed Floor Area minus Exclusions  
0 Sq. Ft.  
 (subtract C2 from C1)

### D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2486 Sq. Ft.  
 D2. Total Floor Area Allowed by Zone (A2) 3823 Sq. Ft.

\*Gross floor area is the sum of all gross horizontal areas under roof, 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.

If taking exclusions other than basements, floor plans with excluded areas must be submitted for review. Sections may also be required for some exclusions.

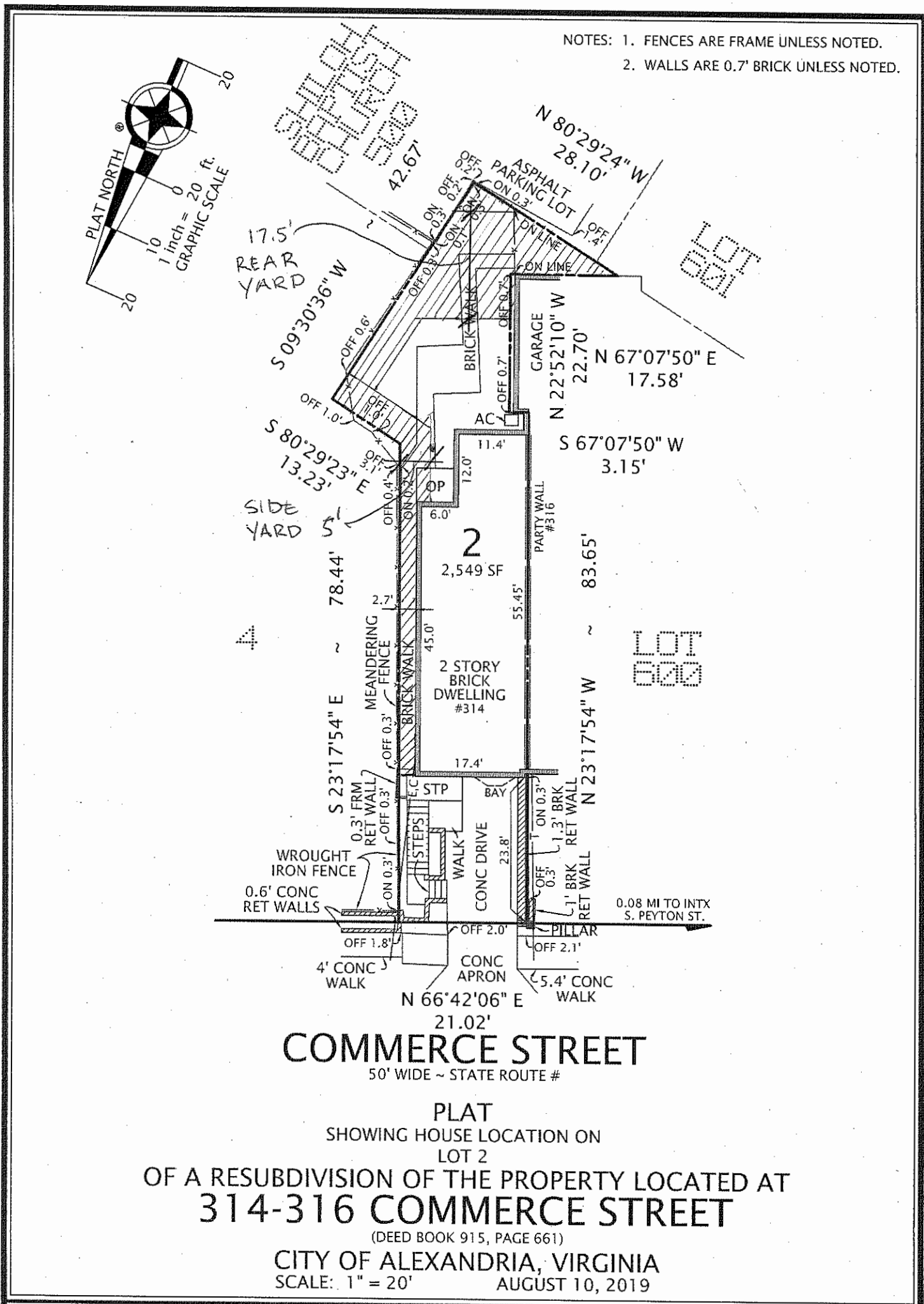
### E. Open Space Calculations

Existing Open Space	872
Required Open Space	892
Proposed Open Space	840

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

Signature: Rachel A DeBaun Date: 10/15/20 19

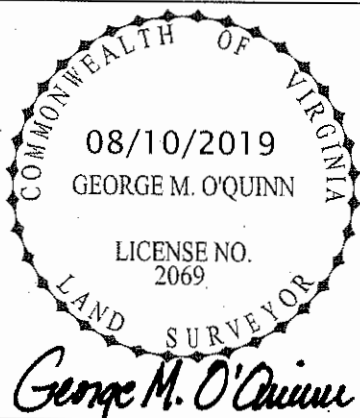
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I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKERS SET.



Ordered by:

**SMART**  
SETTLEMENTS

3600 Chain Bridge Road, Suite 100  
Fairfax, Virginia 22030  
Phone: (703) 537-3800 Fax: (703) 636-7754



**DOMINION**

Surveyors  
Inc.®

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

CASE NAME: ROBINSON ~ GALER

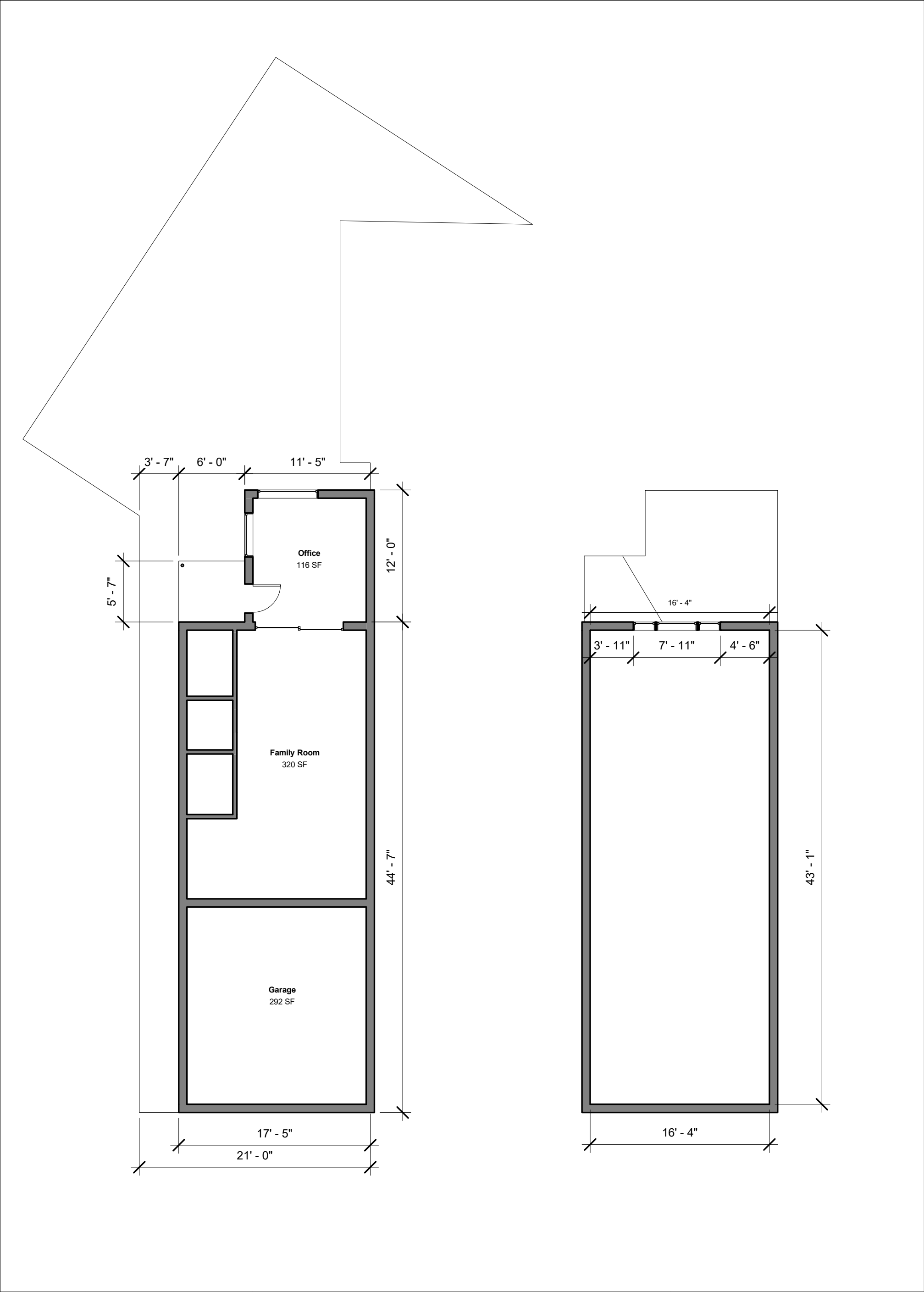
CASE NO: FA-19-1278-B

#190805003

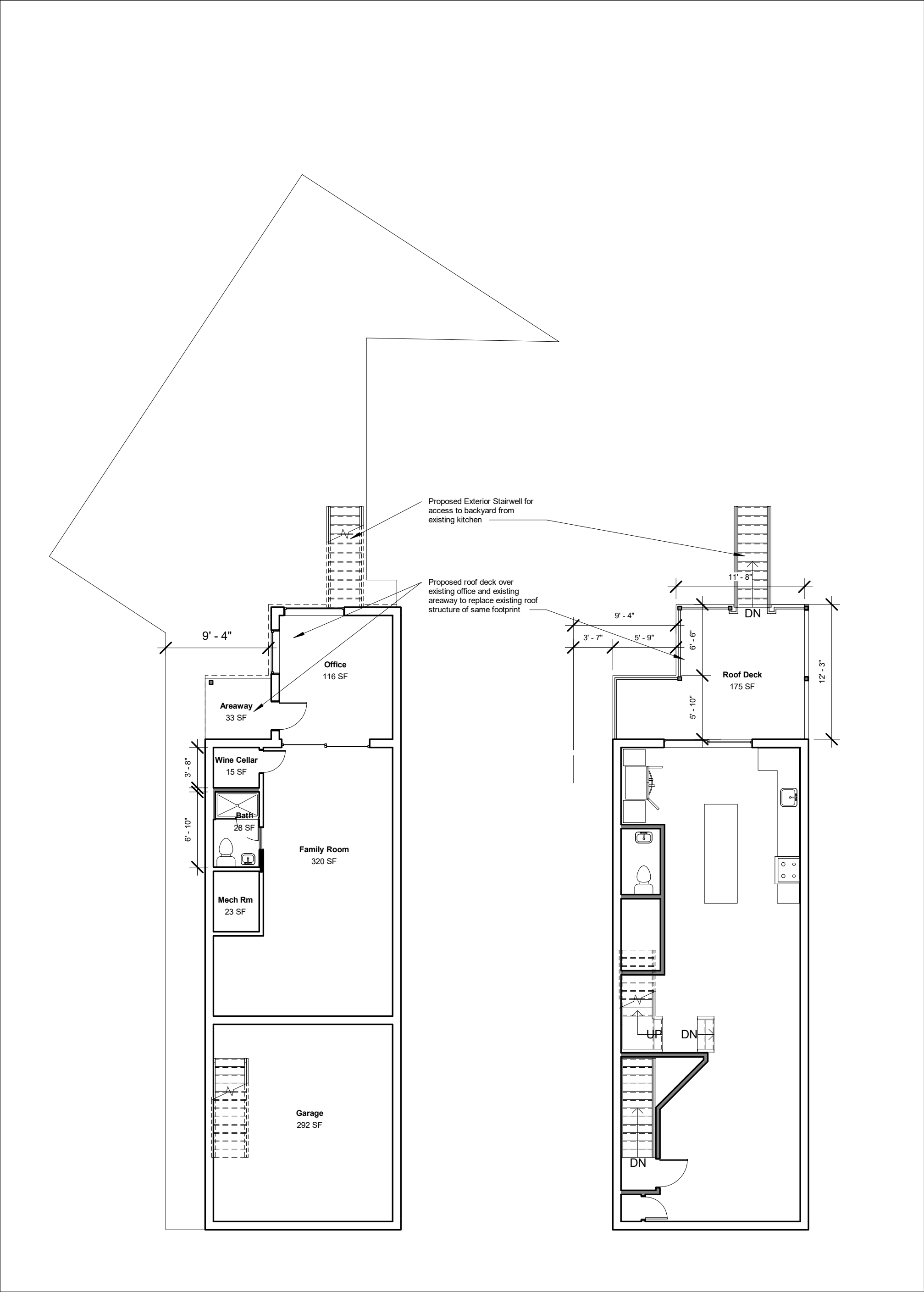








Schematic Design  DRAWING STATUS:	Moore Construction Group 3335 Duke St Alexandria VA, 22314  CONTRACTOR:	John & Emily Galer 314 Commerce St Alexandria, VA 22314 OWNER:	<table><tr><td colspan="2">Existing Conditions</td><td>A101</td></tr><tr><td colspan="2"></td><td rowspan="3">Scale 1/8" = 1'-0"</td></tr><tr><td>Date</td><td>11/27/20</td></tr><tr><td>Drawn by</td><td>R.DeBaun</td></tr><tr><td colspan="2"></td><td></td></tr></table>	Existing Conditions		A101			Scale 1/8" = 1'-0"	Date	11/27/20	Drawn by	R.DeBaun				314 Commerce St  Alexandria, VA 22314  <
Existing Conditions		A101															
		Scale 1/8" = 1'-0"															
Date	11/27/20																
Drawn by	R.DeBaun																

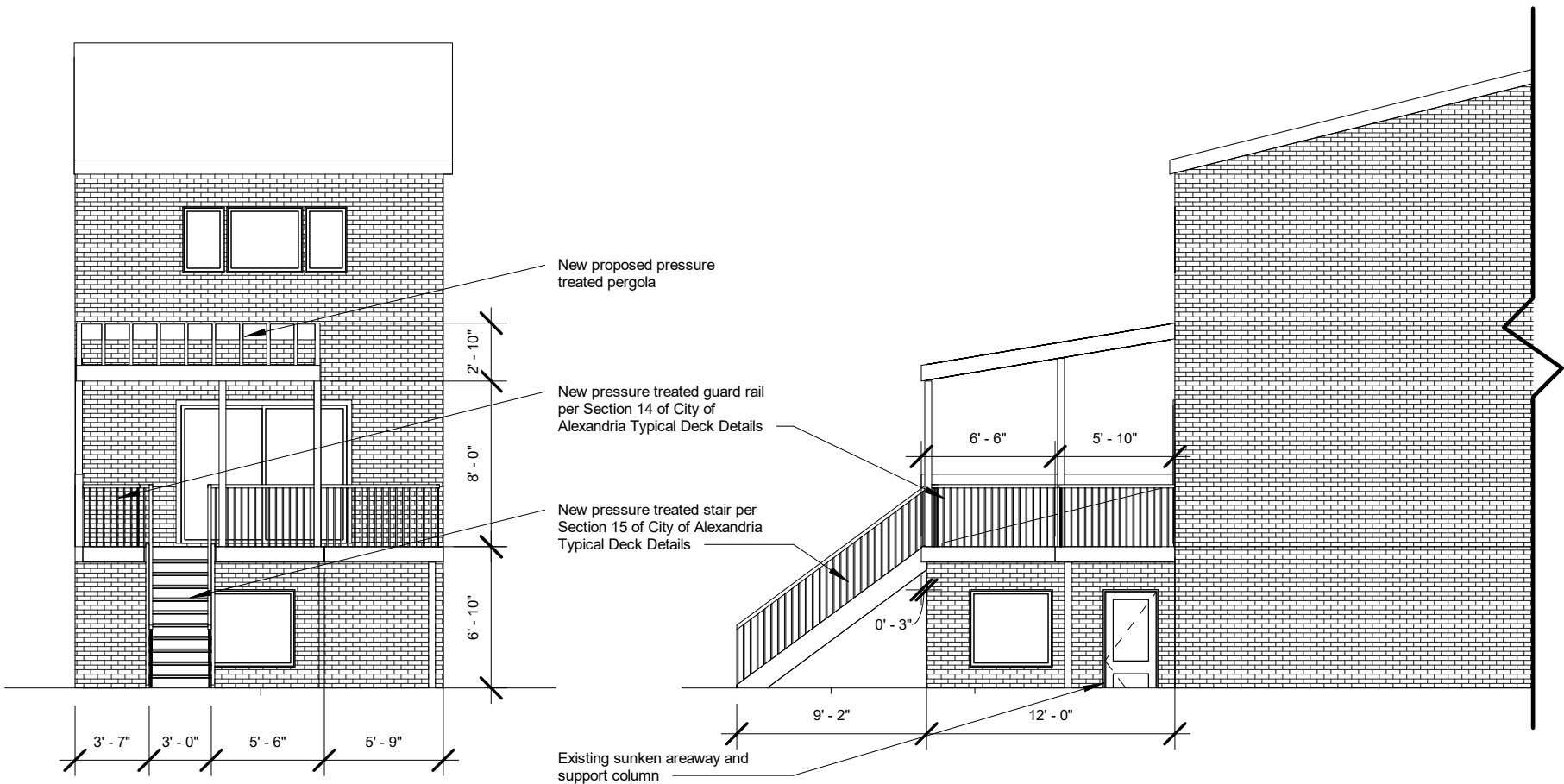
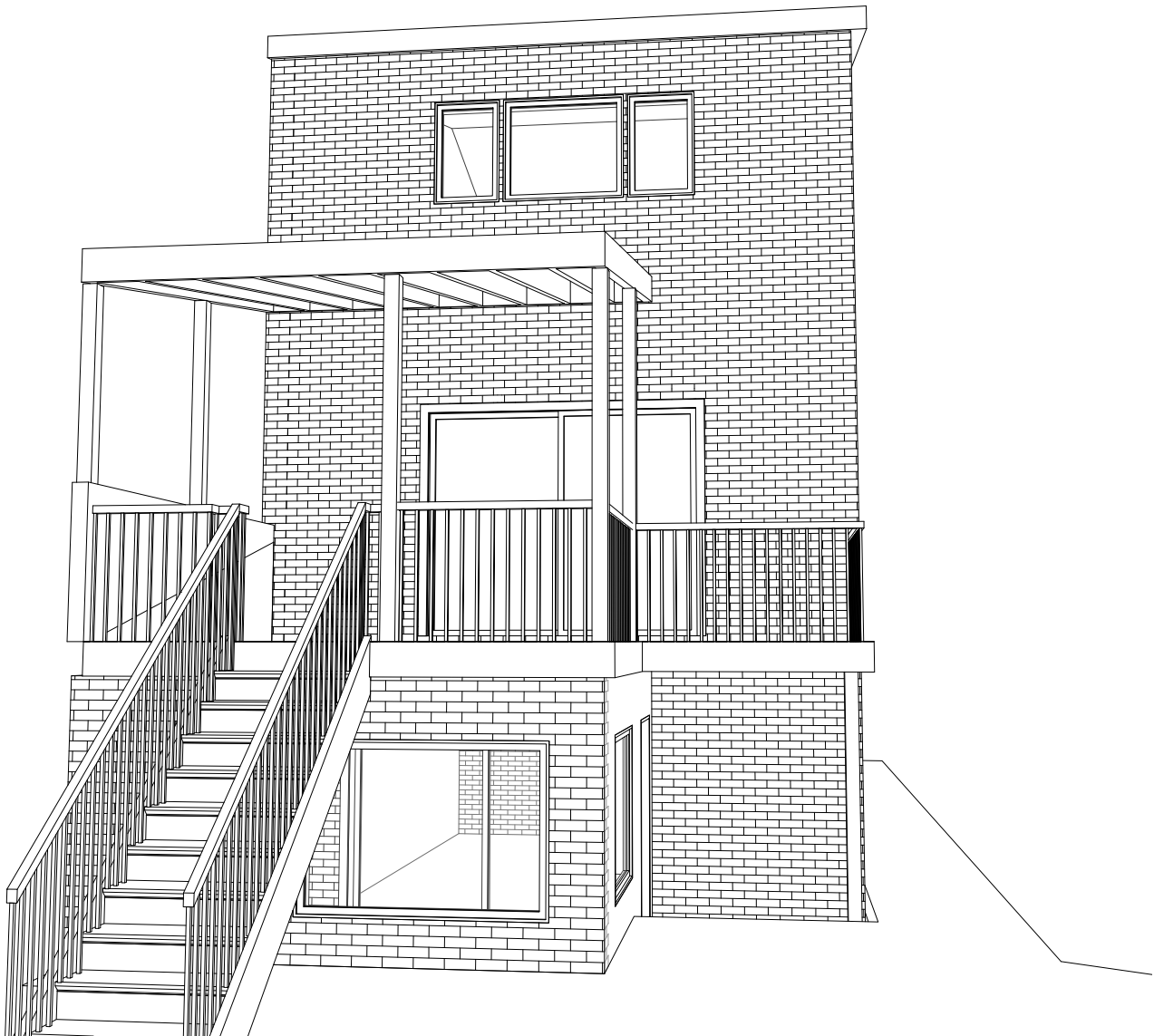


Schematic Design DRAWING STATUS:	Moore Construction Group 3335 Duke St Alexandria VA, 22314	CONTRACTOR:  John & Emily Galer 314 Commerce St Alexandria, VA 22314 OWNER:	Renovation Plans		A201
			Date11/27/20	Scale 1/8" = 1'-0"	
Drawn byR.DeBaun					

314 Commerce St  
Alexandria, VA 22314

23





Schematic  
Design  
DRAWING STATUS:

Moore Construction Group  
3335 Duke St  
Alexandria VA, 22314

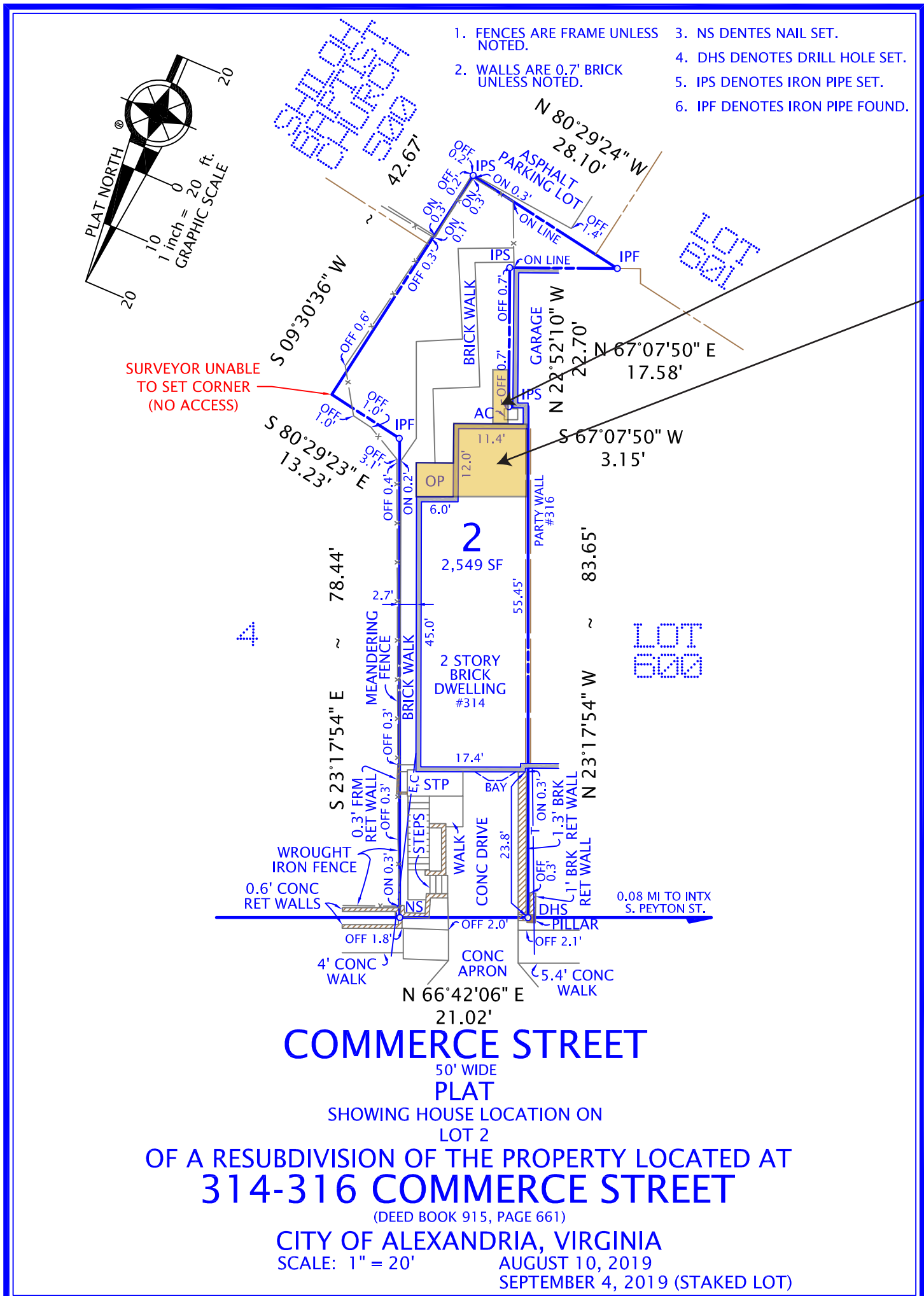
CONTRACTOR:

John & Emily Galer  
314 Commerce St  
Alexandria, VA 22314  
OWNER:

Elev and Views		A202
Date	11/27/20	Scale 1/8" = 1'-0"
Drawn by	R.DeBaun	

314 Commerce St  
Alexandria, VA 22314

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<p>I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:</p>	<p>08/10/2019 GEORGE M. O'QUINN LICENSE NO. 2069 George M. O'Quinn</p>	<p>Ordered by: <b>SMART SETTLEMENTS</b> 3600 Chain Bridge Road, Suite 100 Fairfax, Virginia 22030 Phone: (703) 537-3800 Fax: (703) 636-7754</p>
<p>THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED.</p>		<p><b>DOMINION</b> Surveyors Inc.® 8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412</p>

BZA members,

We are neighbors of 314 Commerce Street and are against the variance application. For these reasons:

- 1) 314 Commerce street is surrounded by historic properties. The request to add a large wooden deck to the second floor of the house would negatively impact the historic view of the Shiloh Baptist Church and our house 310 Commerce Street. The deck will be above the fence line putting the owners propane grill and lawn furniture on display for every one to see from Commerce Street, West Street, Duke street and my yard. Pictures of the Shiloh Baptist church would have their lawn furniture in the back ground. Pictures of my home, a early 1800s Italianate style brick structure, would also show the wooden deck in it. We live in a historic district and even though 314 is a modern home it was built between historic homes.
- 2) Creating a deck adjacent to 316 commerce street (an all wood historic home) creates a situation where there is a real danger for fire. Our neighbors indicated that they plan to put a grill on the deck. Grills, even electric, catch fire from time to time due to grease and oils from meats typically cooked. My propane grill has caught fire a number of times I just can imagine how that's worth the risk to the historic home next door. Maybe these owners would promise not to put the grill on, but what about the next owners?
- 3) The hardship does not seem like a hardship but rather an inconvenience, i.e. walking down the stairs in the house to the back yard verse walking down the stairs outside to the backyard. How is this a hardship?
- 4) The hardship expressed about the lot being too small, it's one of the larger lots on the street and if that qualifies as a hardship then just about all the homes on the street could have a hardship. Lots in the historic district are frequently narrow. They have 21 feet, my last house was on 18 feet wide and there are homes in Alexandria that get as small as 8 feet wide. 21 feet is not a hardship in the historic district.
- 5) The home was purchased in it's current state full well knowing that access to the back yard was through the 1<sup>st</sup> floor. The homes architecture puts the main living space on the 2<sup>nd</sup> floor to accommodate a garage on the 1<sup>st</sup> floor. 314 commerce street is the only home on the street with a garage. This is the trade off, many other town homes in the area are built like this with the garage on the first floor and require the owners to walk up and down stairs to access the yard. I believe this is true for quite a number of town homes near the waterfront.
- 6) The roof structure over the access to their basement could be left as is. Engineering a roof design that accommodated a different design would be possible with modern roofing material like rubber sheeting made by Firestone and commonly used in ponds and for flat roofs. Putting in a simple set of stairs made of brick would provide easier access to the back yard without creating an eye sore in the historic neighborhood. Additionally the owners could demolish the one level office space, put in a set of stairs and comply with the setbacks and lot square footage limits.

- 7) There are no other 2<sup>nd</sup> floor decks in the immediate neighborhood, but many houses look like they were designed to have a second floor deck, with sliding glass doors and a railing across those doors at the 2<sup>nd</sup> floor. Allowing this deck to be built could set a precedence and end up allowing all the homes in the area to add 2<sup>nd</sup> floor decks like home in the suburbs. We chose to live in the historic district of Alexandria not Springfield or Burke. I really don't want to see a domino effect with decks put on the homes all around our historic home. This changes the atmosphere of the historic neighborhood and creates a detrimental impact to the historic views.
- 8) I came to the BZA a year ago. I was asking for a variance for a hardship and was denied that variance. I wanted a curb cut to access my property to create parking and for forklift deliveries. I am now over 100,000 lbs of material into a project, delivered and removed from my property. All by hand at extreme expense and hardship. Cranes or other construction equipment can not be used due to the power lines and the retaining wall. The main argument against the curb cut was the historic view. I am anxious to hear your ruling on this hardship. Rules and laws need to be applied fairly and evenly to stand. I am enduring what I believe to be a hardship that could have been alleviated by a simple curb cut. If my immediate neighbors' hardship is accepted as a hardship worth granting a variance, I will be back asap asking for a variance for a curb cut again and expect that my hardship be given equal consideration as my neighbors.
- 9) There are two large trees on my neighbors property that are clearly dead. We have had six branches come down in our yard from storms and 5 holes put in our roof from these trees. Their plans don't indicate if the trees will be removed but they do indicate that the roots could be compromised with digging.

Please see the attached pictures. I drew two lines on a map to show the camera angle. Where the lines converge is where I stood to take the picture. The pictures support some of the statements made above.

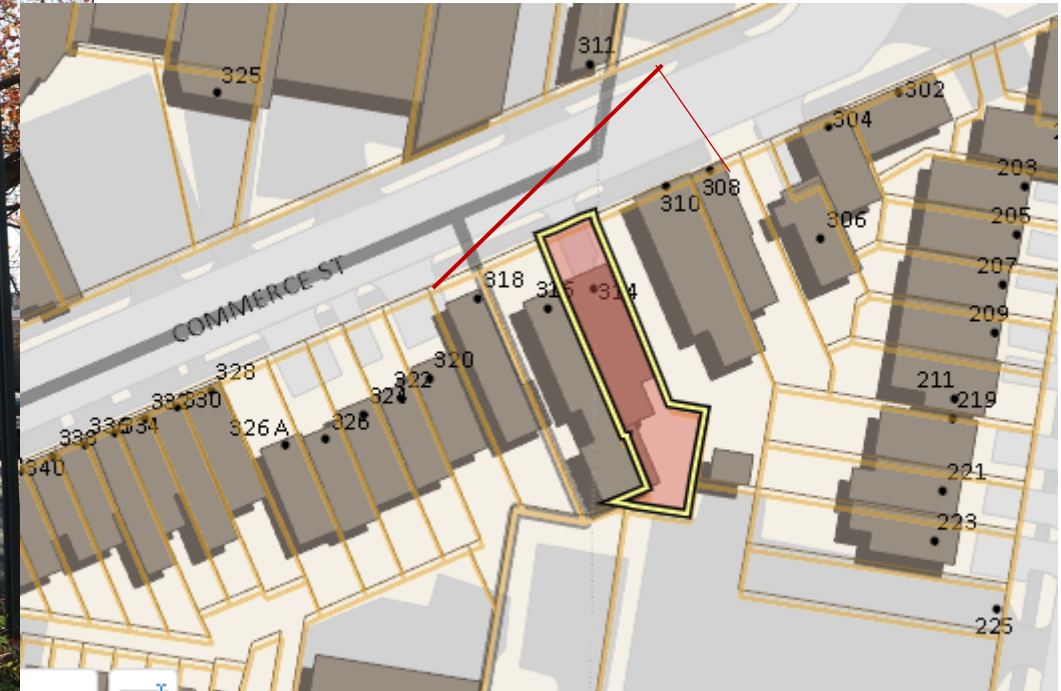
Thank you,  
Tim Foley & Lori Crandall  
310 Commerce Street  
703-725-8408  
foleytd@yahoo.com



# 314 Commerce street surrounded by Historic homes



Camera angle

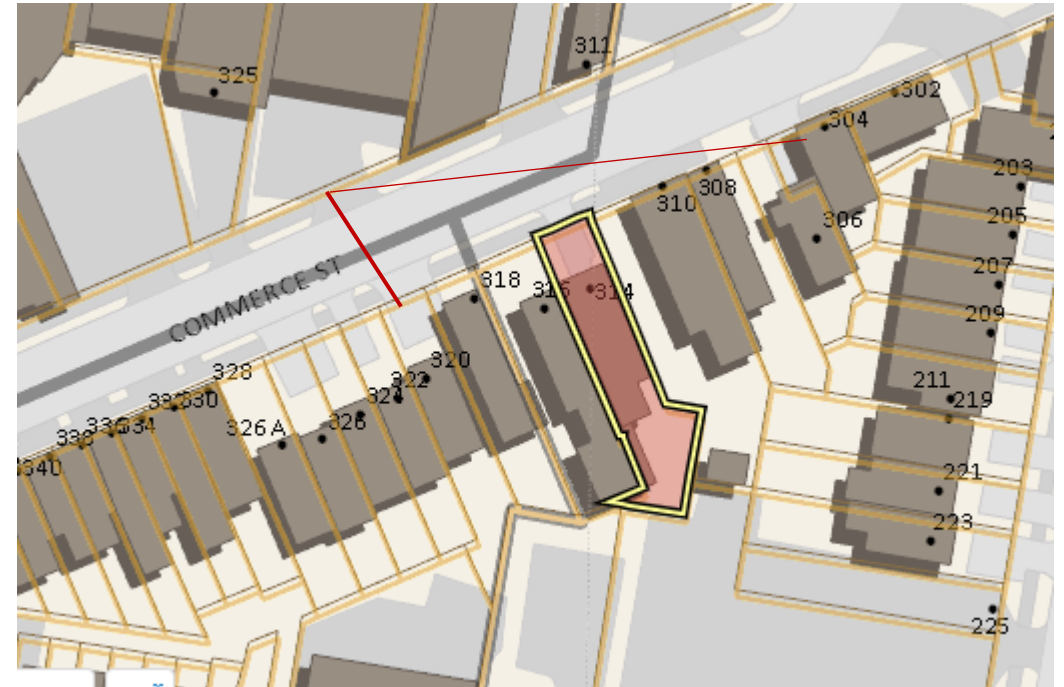




# 314 Commerce with historic homes on either side



Camera angle

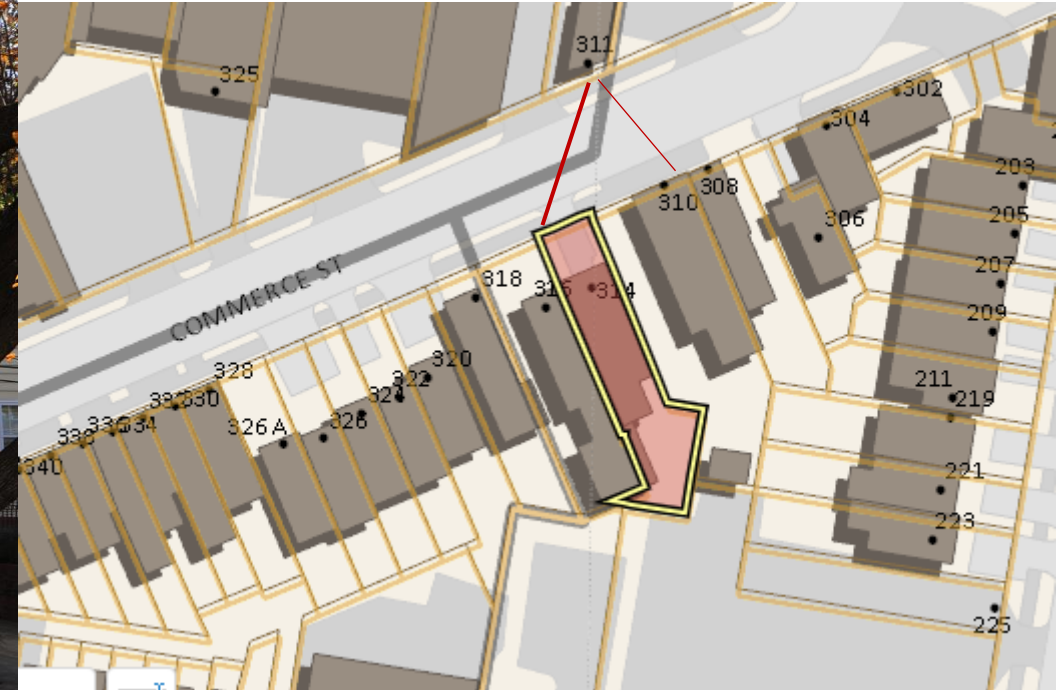




# View of proposed deck from Commerce



Camera angle





# View of proposed deck from S West Street

Camera angle

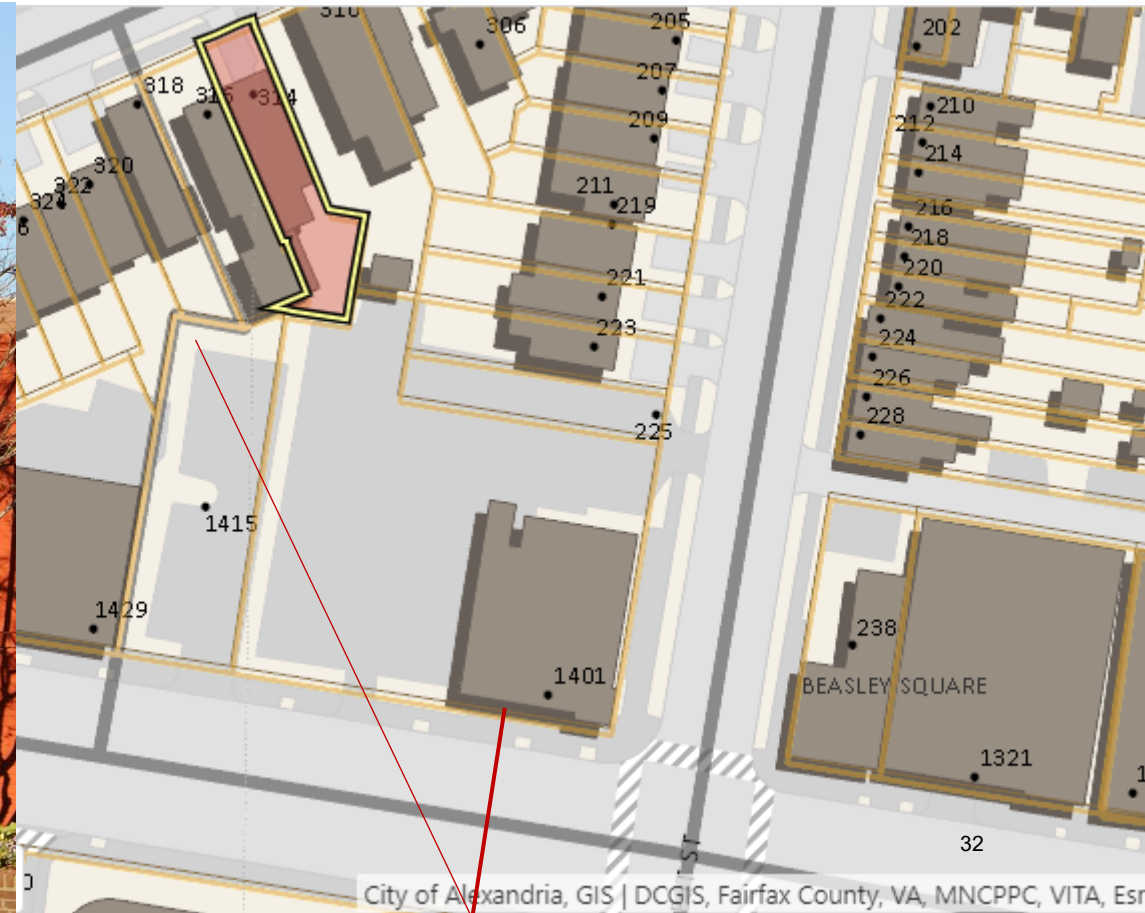




# View of proposed deck from Duke Street

Historic Shiloh Baptist Church

Camera angle

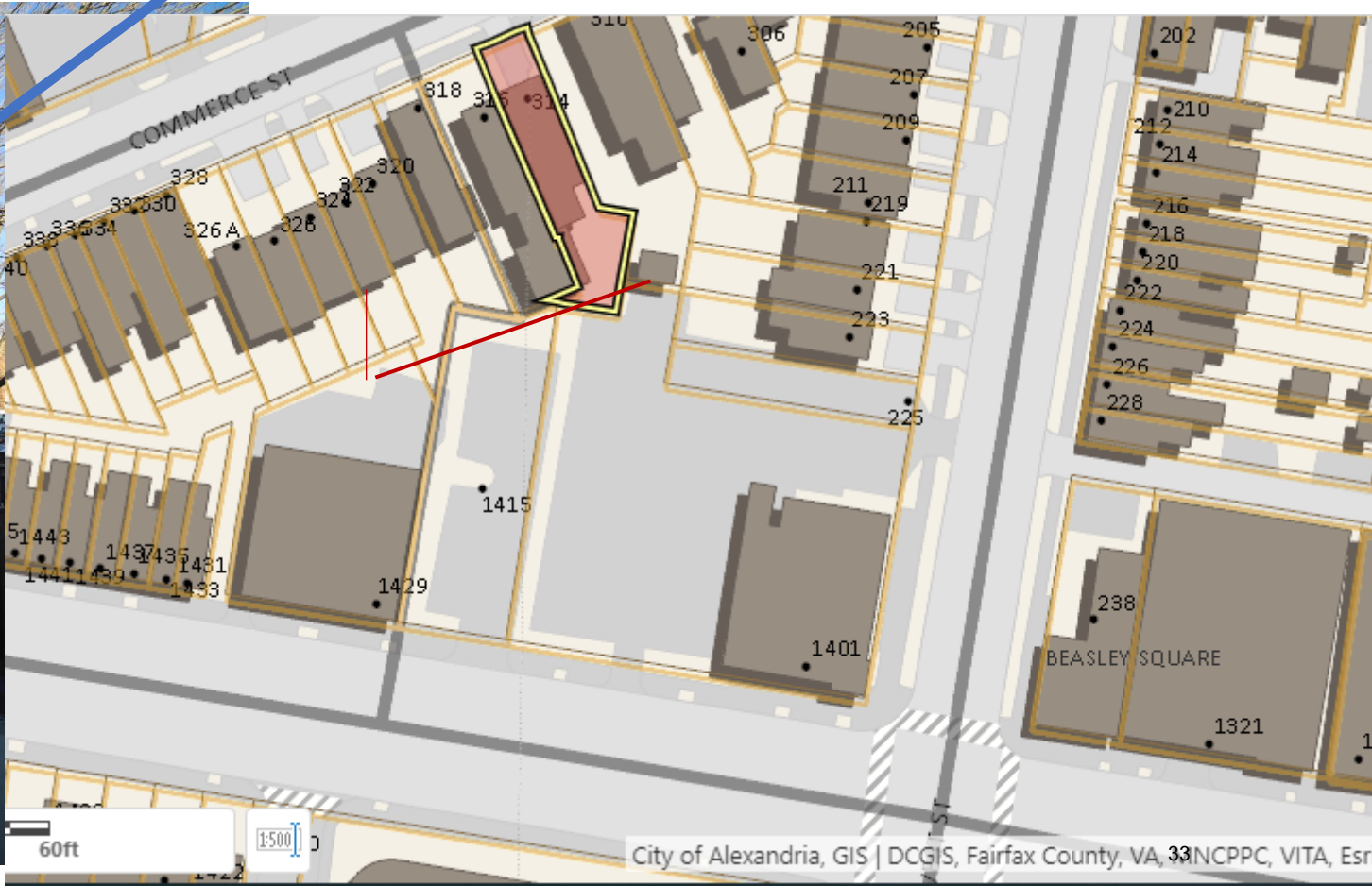




Notice other modern homes with sliding glass doors and no deck on the second floor.

Proposed deck

Camera angle

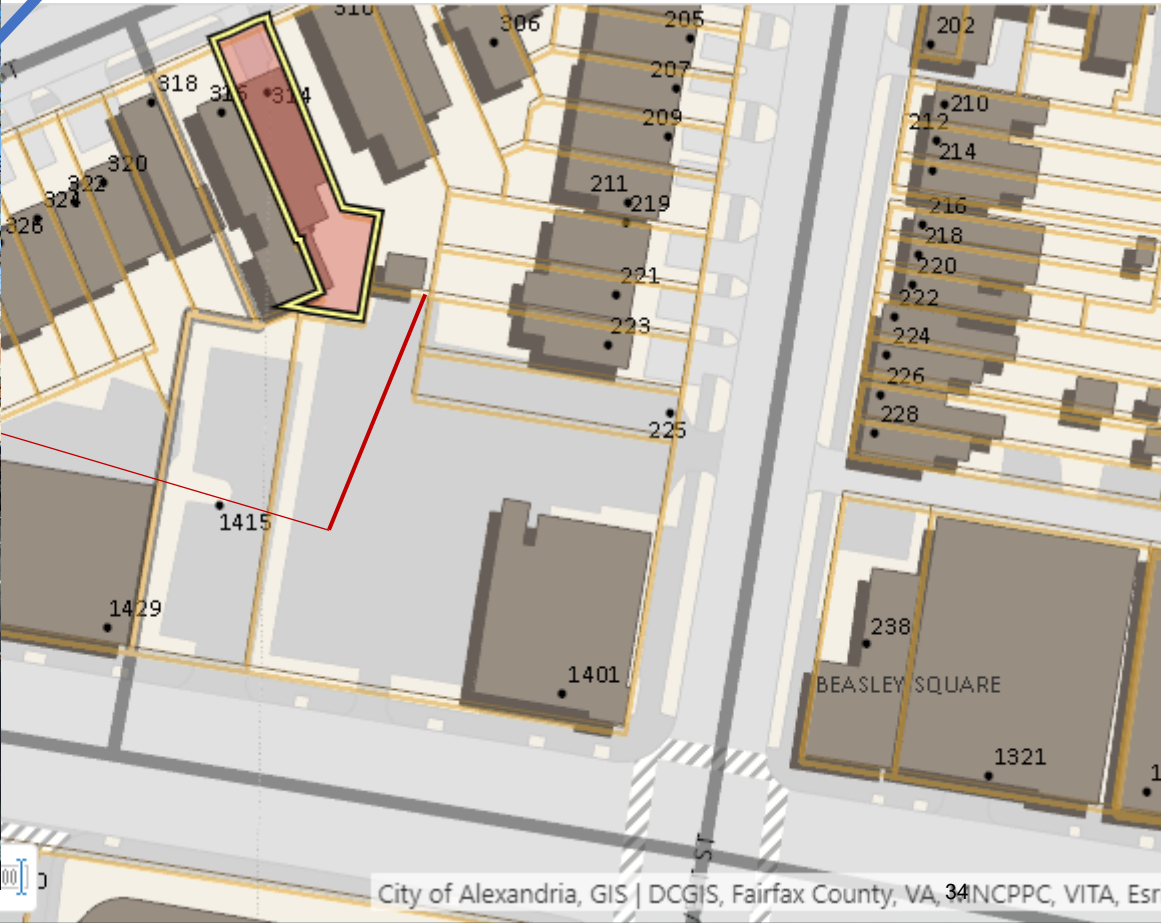




Notice other modern homes with sliding glass doors and no deck on the second floor.

Proposed deck

Camera angle



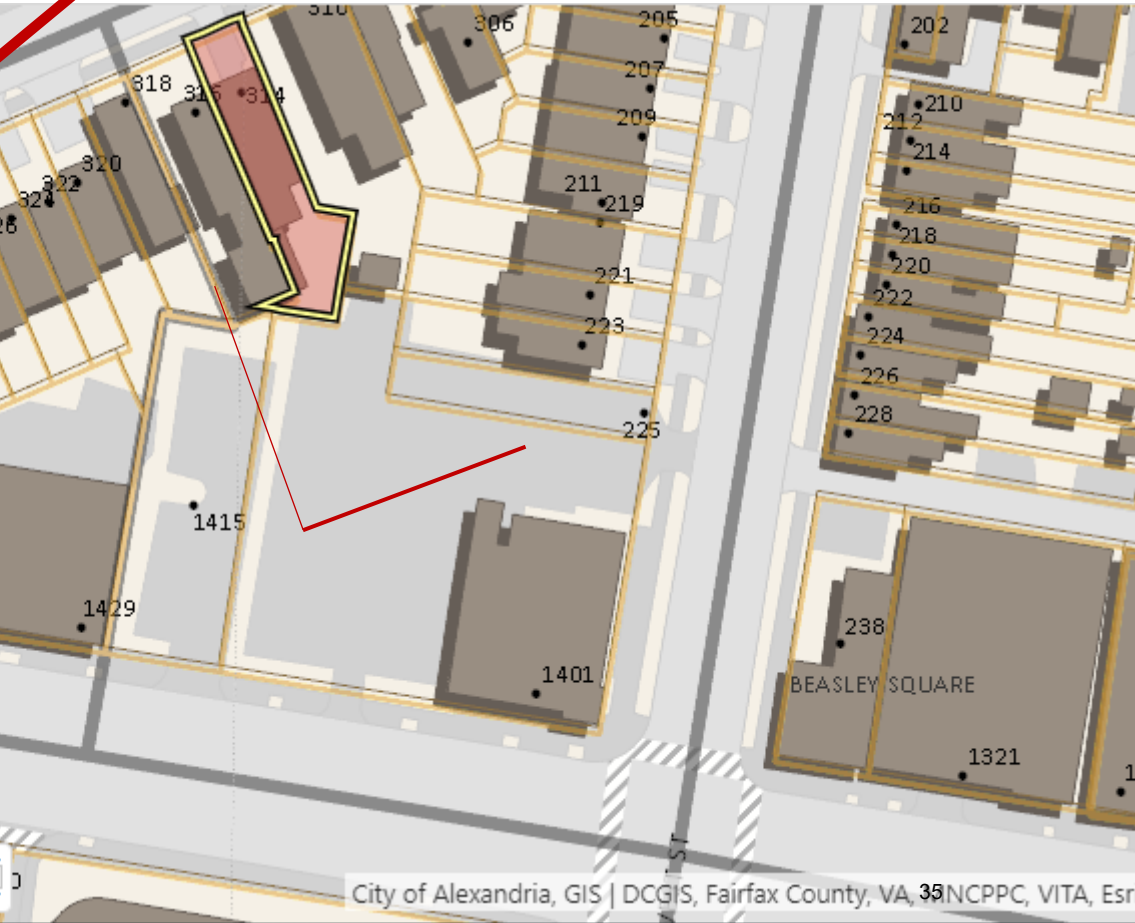


# Driving by on Duke street this is what is seen

Proposed deck

Notice other modern homes with no deck on the second floor.

Camera angle





Back on 314 Commerce street with the historic home 316 Commerce Street. The Proposed deck will be at level with the roof of the historic home.

