

Docket Item #3
BZA #2021-00001
Board of Zoning Appeals
March 8, 2021

ADDRESS: 208 SOUTH PAYNE STREET
ZONE: CL/COMMERCIAL LOW
APPLICANT: ALABAMA AVE LC BY STEPHEN W. KULINSKI, ARCHITECT

ISSUE: Special exception to construct an addition and deck in the required side yard.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED EXCEPTION
4-106(A)(2)(a)	Side Yard	8.00 feet	0.00 feet	8.00 feet

Staff **recommends approval** of the request because it meets the criteria for a special exception.

If the Board grants the requested special exception, it is subject to compliance with all applicable code requirements, ordinances and recommended conditions found in the department comments. The special exception must be recorded with the property’s deed in the City’s Land Records Office prior to the release of the building permit.

I. Issue

The applicant, Alabama Avenue LC represented by Stephen W. Kulinski, architect, proposes to demolish and rebuild a rear portion of the existing dwelling located at 208 South Payne Street. An existing deck would also be demolished and rebuilt. Both structures are located within the required side yard. Because these proposed structures are taller than those that they would replace, and because of their location in the required side yard, special exception approval is required.

II. Background

The subject property is a lot of record located near the intersection of South Payne and Prince Streets within the Old and Historic Alexandria District. The proposed work would require approval by the Board of Architectural Review (BAR). The subject property has 18 feet of frontage along South Payne Street and has a lot size of 1,800 square feet. The subject property does not meet the CL zone's minimum lot size or frontage requirements. Alleys abut the subject property to the north and east. A mix of commercial and residential uses surround the subject property. Figure one, below, shows the subject property.



Figure 1 - Subject Property

One half of a semi-detached two-family dwelling occupies the subject property. BAR records indicate that the semi-detached dwelling was constructed circa 1870. The dwelling's north side sits 1.50 feet beyond the north side lot line. As it is attached on the south side, it provides no south side yard. The dwelling provides front and rear yards of 10.20 and 32.50 feet, respectively. The dwelling contains 1,735 square feet of net floor area.

The following table provides a breakdown of all applicable zoning regulations as they pertain to the proposal:

CL Zone	Required/Permitted	Existing	Proposed
Lot Area	2,500 Sq. Ft.	1,800 Sq. Ft.	No change
Lot Frontage	37.50 Ft.	18.00 Ft.	No change
Front Yard	20.00 Ft.	10.20 Ft.	No change
Rear Yard	20.90 Ft.	32.50 Ft.	No change
Side Yard (North)	8.00 Ft. (1:3 height to setback ratio)	0.00 Ft.	No change
Side Yard (South)	0.00 Ft.	0.00 Ft.	No change
Height	35.00 Ft.	25.10 Ft.	No change
Floor Area (FAR)	1,350 Sq. Ft. 0.75 FAR	1,735 Sq. Ft. 0.96 FAR	No change
Open Space	540 Sq. Ft. 40%	315 Sq. Ft. 18%	No change

III. Description

The applicant proposes to demolish and rebuild a rear portion of the existing dwelling. The applicant also proposes demolition and reconstruction of a rear deck. The existing rear portion to be demolished measures 18.50 feet in height and the rebuilt rear portion would measure 20.70 feet in height. The existing deck is 16.40 feet in height and the proposed deck would be 17.60 feet in height. The applicant does not propose to expand the existing footprint of the dwelling nor the deck. Because the reconstructed portion of the dwelling and deck would be taller than the existing structures, and because their heights would be increased within the required eight-foot side yard, special exception approval is required. The request qualifies for special exception approval because the proposed work would all be within one noncomplying plane of the dwelling. The proposed work would comply with all other applicable zoning regulations.

There have been no variances or special exceptions previously granted for the subject property.

IV. Noncomplying Structure/Substandard Lot

The existing lot is substandard and contains a noncomplying structure with respect to the following:

	<u>Required/Permitted</u>	<u>Provided</u>	<u>Noncompliance</u>
Lot Size	2,500 Sq. Ft.	1,800 Sq. Ft.	700 Sq. Ft.
Frontage	37.50 Ft.	18.00 Ft.	19.50 Ft.
Front Yard	20.00 Ft.	10.20 Ft.	9.80 Ft.
Side Yard (North)	8.00 Ft.	0.00 Ft.	8.00 Ft.
Floor Area	1,350 Sq. Ft. 0.75 FAR	1,735 Sq. Ft. 0.96 FAR	385 Sq. Ft.
Open Space	540 Sq. Ft. 40%	315 Sq. Ft. 18%	225 Sq. Ft.

V. Master Plan/Zoning

The subject property has been zoned CL/Commercial Low since June 24, 1992. Prior to that date, the property was zoned C-3/Commercial. The Old Town Small Area Plan identifies the subject property for residential and commercial land uses.

VI. Requested Special Exception

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

Zoning Ordinance section 4-106(A)(2)(a) requires a side yard based on a 1:3 height-to-setback ratio with a minimum depth of eight feet. Staff has included a diagram, figure two, showing the subject property's established noncomplying plane as it relates to the required side yard. Any construction along one plane within the area shaded in blue would require a special exception from the required side yard.

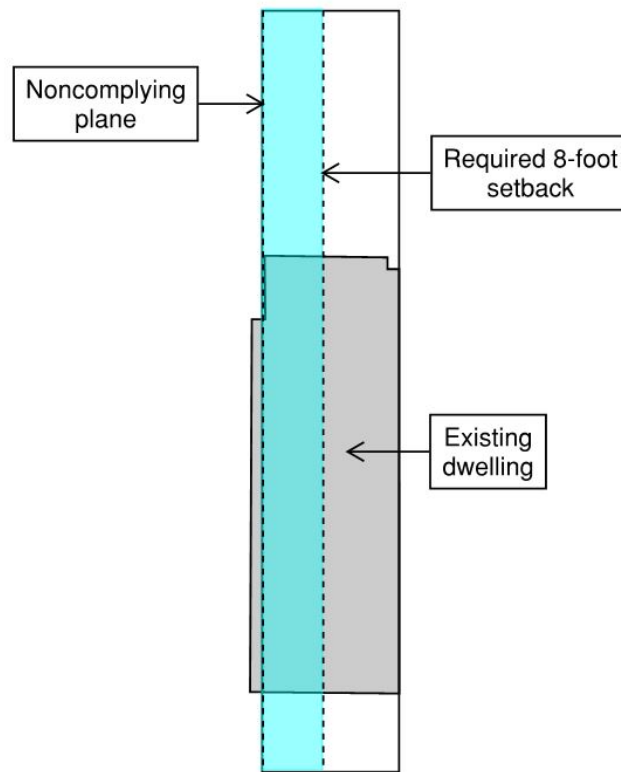


Figure 2 – Special Exception Diagram

Because the proposed work would increase the height of structures located behind the established noncomplying plane and within the required side yard, special exception approval is required. The applicants request a special exception of eight feet to complete the proposed work within the required side yard.

VII. Special Exception Standards

Per Zoning Ordinance section 11-1304, the Board of Zoning Appeals “must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed.” Section 11-1304 also states that the Board of Zoning Appeals “shall consider and weigh the following issues, as applicable:”

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.

The addition would be located 1.70 feet behind the north side of the existing dwelling and there would be no expansion of footprint. The proposed work would increase the height of the dwelling’s rear portion by just 2.20 feet and the height of the deck by 1.20 feet. Further, the north side of the property abuts a 10-foot alley, there would be no impact to the adjacent properties to the north. Because the proposed work would be located behind a taller, two-story

portion of the dwelling; the subject property abuts an alley to its north side and the difference in height between the existing and proposed structures would be modest, staff finds that approval of the request would not be detrimental to the public welfare, neighborhood or adjacent properties.

- 2) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire or endanger the public safety.

Approval of the special exception would not impact light and air supply to adjacent properties, cause or substantially increase traffic congestion or increase fire risks due to the minor nature of the request.

- 3) Whether approval of the special exception will alter the essential character of the area or zone.

Because the proposal would represent very small changes in height and setback, it would not alter the essential character of the area or zone.

- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.

The proposal would not affect the existing dwelling's compatibility with development in the surrounding neighborhood.

- 5) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

There would be no other location on the lot that could reasonably accommodate the applicant's proposal. The narrowness of the lot severely limits reasonable development on the lot in compliance with the required side yard.

VIII. Staff Conclusion

Neighborhood Impact

The modest increase in height of the applicant's proposal would be minimally perceptible to surrounding properties. It would have no impact to the neighborhood.

Light and Air

Based on the height and location of the proposal, staff finds that it would have no effect on light and air supply to adjacent properties.

Lot Constraints

The applicant's proposed work would not be feasible on any other locations on the lot.

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

Staff

Sam Shelby, Urban Planner, sam.shelby@alexandriava.gov

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

Tony LaColla, 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 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)
- F-2 If the alley located at the rear of the parcel is to be used at any point of the construction process the following will be required:
- For a Public Alley - The applicant shall contact T&ES, Construction Permitting & Inspections at (703) 746-4035 to discuss any permits and accommodation requirements that will be required.
- For a Private Alley - The applicant must provide proof, in the form of an affidavit at a minimum, from owner of the alley granting permission of use. (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:

- C-1 A building permit and plan review are required prior to construction.

Recreation (City Arborist):

No comments.

Historic Alexandria (Archaeology):

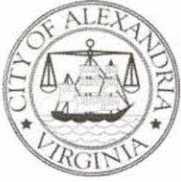
- F-1 No archaeological oversight will be necessary for this undertaking.

Board of Architectural Review:

- F-1 As the alley to the north is public, this proposal must receive a Certificate of Appropriateness from the Board of Architectural Review.

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

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



APPLICATION BOARD OF ZONING APPEALS

SPECIAL EXCEPTION FOR ADDITIONS

Section of zoning ordinance from which request for special exception is made:

4-106-(A) 2 (a) - Bulk regulations - Yards: side yards based on a 1:3 setback ratio and a minimum of eight feet.

PART A

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

Name Stephen W Kulinski AIA

Address 104 N West Street

Alexandria, VA 22314

Daytime Phone (703) 836-7243

Email Address Steve@KulinskiGroup.com

2. **Property Location** 208 S Payne Street

3. **Assessment Map #** 074.01 **Block** 10 **Lot** 41 **Zone** CL

4. **Legal Property Owner Name** Alabama Ave LC

Address 618 S Alfred 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.} Scott Mitchell	618 S Alfred St, Alexandria, VA 22314	50%
^{2.} Larry Hirsch	618 S Alfred St, Alexandria, VA 22314	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 208 S. Payne Street (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.} Scott Mitchell	618 S Alfred St, Alexandria, VA 22314	50%
^{2.} Larry Hirsch	618 S Alfred St, Alexandria, VA 22314	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.} Scott Mitchell	NONE	NONE
^{2.} Larry Hirsch	NONE	NONE
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:

Seeking relief from side yard requirement along the back portion of the existing building, for the purpose of modestly increasing the height of the existing roof and second floor deck. The existing building already encroaches into the side yard setback.

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

☒ Yes — Provide proof of current City business license.

☐ No — Said agent shall be required to obtain a business 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:

Stephen Kulinski AIA

Print Name

(703) 836-7243

Telephone



Signature

01/22/2021

Date

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

NOTE TO APPLICANT: Only one special exception per dwelling shall be approved under the provisions of Section 11-1302(B)(4).

PART B (SECTION 11-1304)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please use additional pages where necessary.)

- 1. Explain how the special exception for the proposed addition, if granted, meets the applicant's needs.**

If granted, the additional head room increase at the rear of the structure would allow for the first floor to be raised above existing grade level to avoid ongoing water issues from the alley. Correspondingly it would allow for the second floor to have adequate head room in the rear bedroom.

- 2. Explain if the special exception, if granted, will harm adjoining properties or impact the neighborhood in any way.**

It will not harm adjoining properties. The neighbor attached to us is significantly taller. The area of raised roof occurs adjacent to an alley and across the alley from the rear yards of the homes along Prince Street. The newly raised section of the roof will still be lower than the original front section of our roof and will not impact the neighbors.

- 3. Explain how the proposed addition will affect the light and air to any**

Light will be minimally blocked to the North, the shadow of the building will not fall upon and neighboring structures. Air will not be blocked to any neighbors at all.

4. Explain how the proposed addition is compatible with other properties in the neighborhood and the character of the neighborhood as a whole.

The raising of the roof at the rear will bring it closer to the original height of the semi-detached twin neighbor to the south. The building will remain compatible with the townhomes in the area.

5. How is the proposed construction similar to other buildings in the immediate area?

Most other homes in the area have higher roofs than what we are requesting.

6. Explain how this plan represents the only reasonable location on the lot to

We are requesting to raise the roof, not expand the footprint of the house. The raised roof will allow us to improve the at-grade water issues and limited head height on the second floor.

7. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter.

No



Department of Planning and Zoning Floor Area Ratio and Open Space Calculations

B

A. Property Information

A1. 208 South Payne Street
Street Address

CL
Zone

A2. 1,800.00 x 0.75 = 1,350.00
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area		Allowable Exclusions**	
Basement		Basement**	
First Floor	1,032.00	Stairways**	123.00
Second Floor	1,032.00	Mechanical**	23.00
Third Floor		Attic less than 7'***	
Attic		Porches**	
Porches		Balcony/Deck**	
Balcony/Deck		Lavatory***	183.00
Lavatory***		Other**	
Other**		Other**	

B1. **Total Gross** 2,064.00

B2. **Total Exclusions** 329.00

B1. 2,064.00 Sq. Ft.
Existing Gross Floor Area*

B2. 329.00 Sq. Ft.
Allowable Floor Exclusions**

B3. 1,735.00 Sq. Ft.
Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Comments for Existing Gross Floor Area

C. Proposed Gross Floor Area

Proposed Gross Area		Allowable Exclusions**	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Attic less than 7'***	
Attic		Porches**	
Porches		Balcony/Deck**	
Balcony/Deck		Lavatory***	
Lavatory***		Other**	
Other		Other**	

C1. **Total Gross** 0.00

C2. **Total Exclusions** 0.00

C1. 0.00 Sq. Ft.
Proposed Gross Floor Area*

C2. 0.00 Sq. Ft.
Allowable Floor Exclusions**

C3. 0.00 Sq. Ft.
Proposed Floor Area Minus Exclusions
(subtract C2 from C1)

D. Total Floor Area

D1. 1,735.00 Sq. Ft.
Total Floor Area (add B3 and C3)

D2. 1,350.00 Sq. Ft.
Total Floor Area Allowed
by Zone (A2)

E. Open Space (RA & RB Zones)

E1. 315.00 Sq. Ft.
Existing Open Space

E2. 540.00 Sq. Ft.
Required Open Space

E3. 315.00 Sq. Ft.
Proposed Open Space

Notes

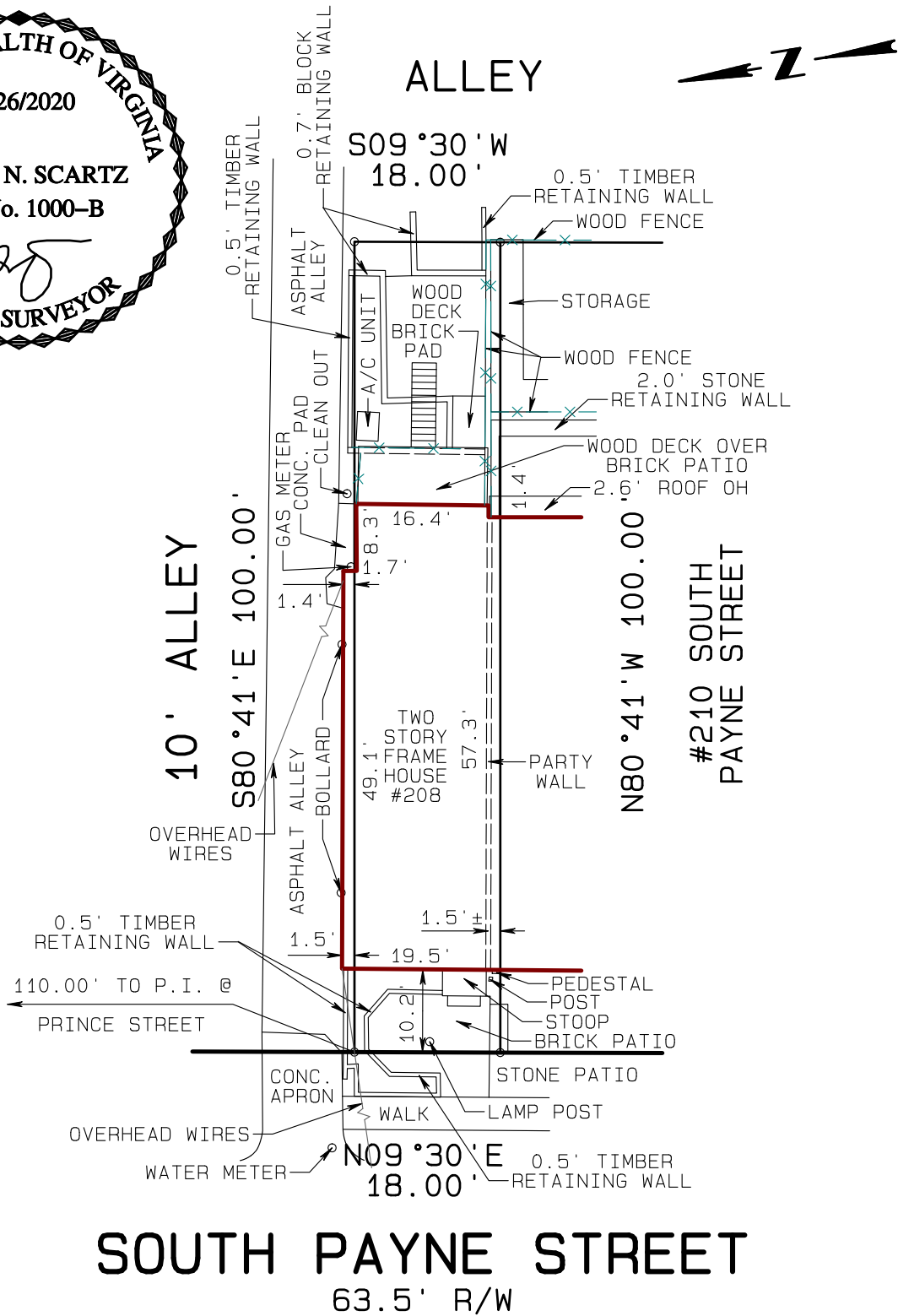
*Gross floor area is the sum of all areas under roof of a lot, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

** 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: _____ Date: _____



PHYSICAL IMPROVEMENTS SURVEY
ON THE PROPERTY LOCATED AT
#208 SOUTH PAYNE STREET
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=20'

DATE: OCTOBER 26, 2020

CASE NAME: WITHROW

FEDERAL CITY GROUP

NO TITLE REPORT FURNISHED.

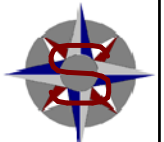
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.

FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBIDGE, VIRGINIA

LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM





1 EXISTING STREETScape
A1 SCALE: N/A



208 S. PAYNE STREET
(SUBJECT PROPERTY)

210 S. PAYNE STREET
(NEIGHBORING
PROPERTY)

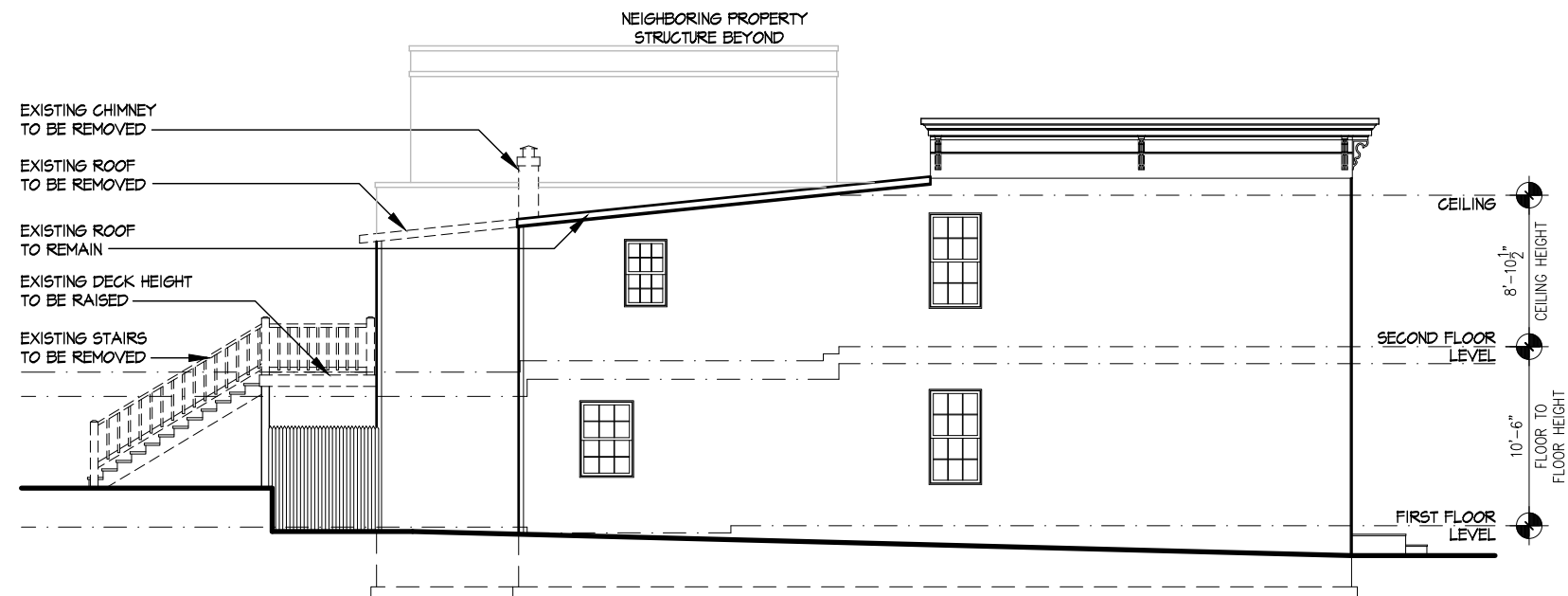


210 S. PAYNE STREET (LEFT)
(NEIGHBORING PROPERTY)

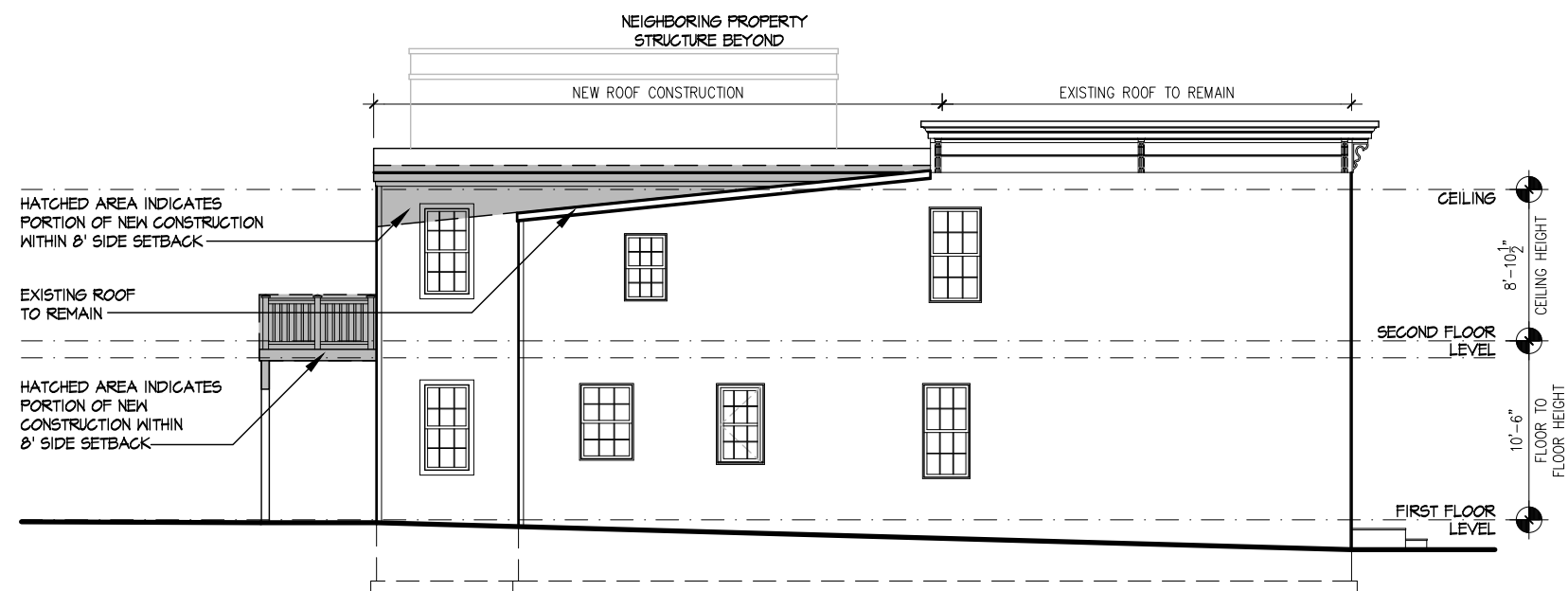
208 S. PAYNE STREET(RIGHT)
(SUBJECT PROPERTY)

2 EXISTING IMAGE LOOKING EAST
A1 SCALE: N/A

3 EXISTING IMAGE LOOKING WEST
A1 SCALE: N/A

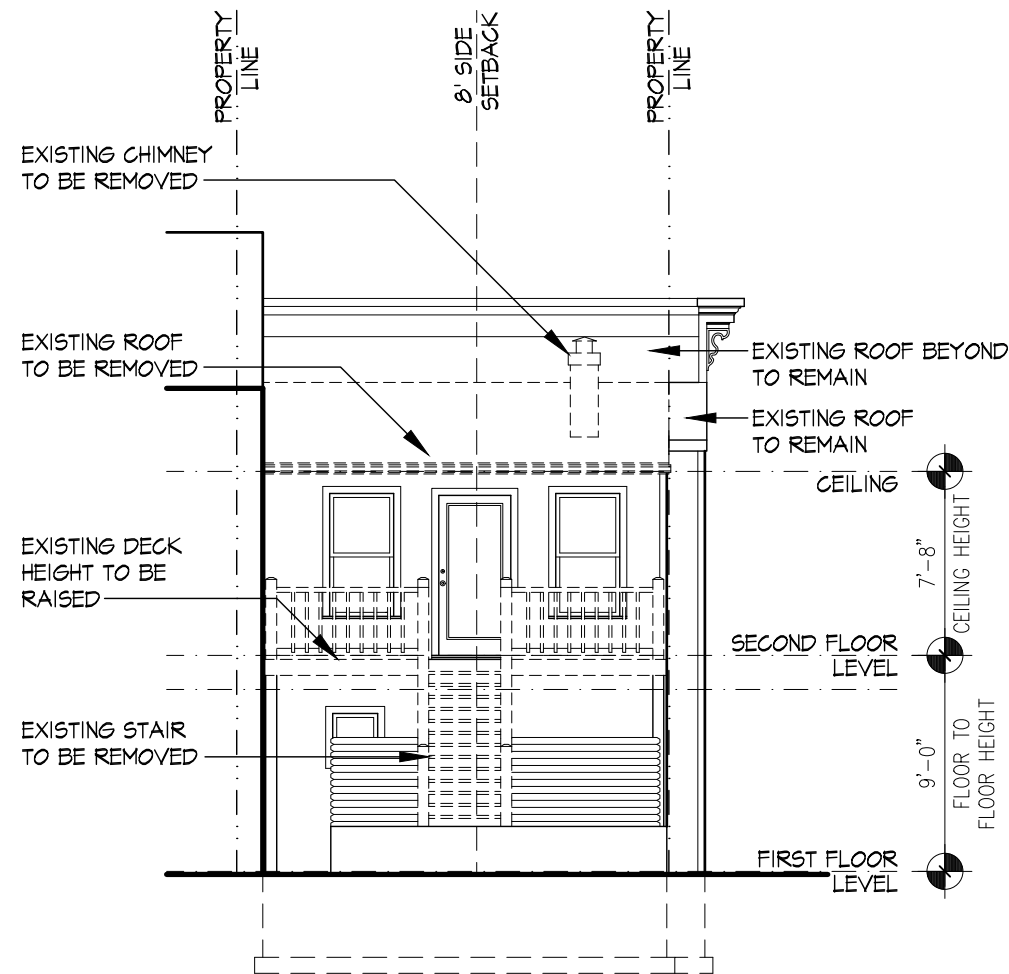


1 EXISTING LEFT SIDE ELEVATION
A2 SCALE: 3/32" = 1'-0"

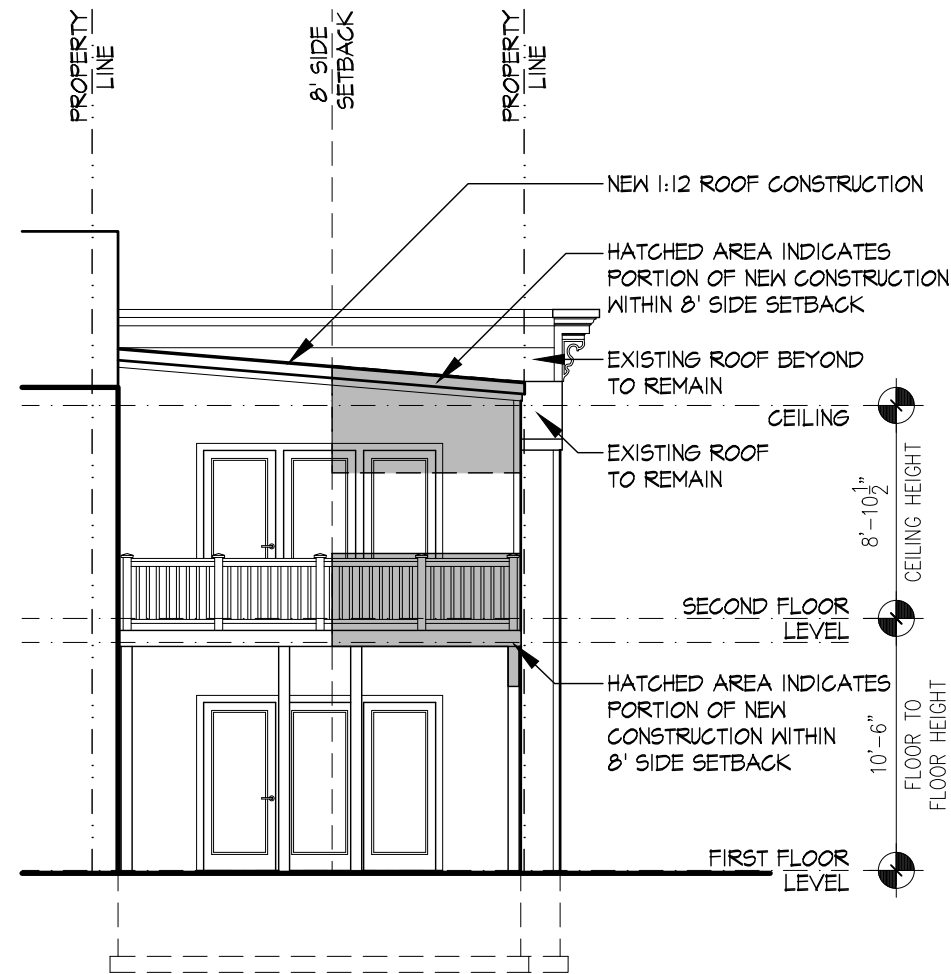


2 PROPOSED LEFT SIDE ELEVATION
A2 SCALE: 3/32" = 1'-0"

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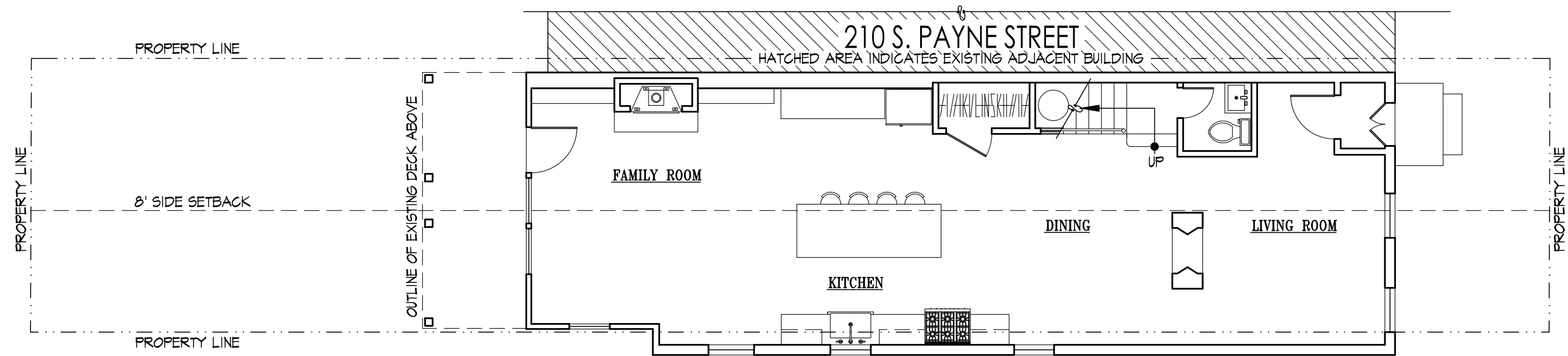


1
A3
EXISTING REAR ELEVATION
SCALE: 1/8" = 1'-0"



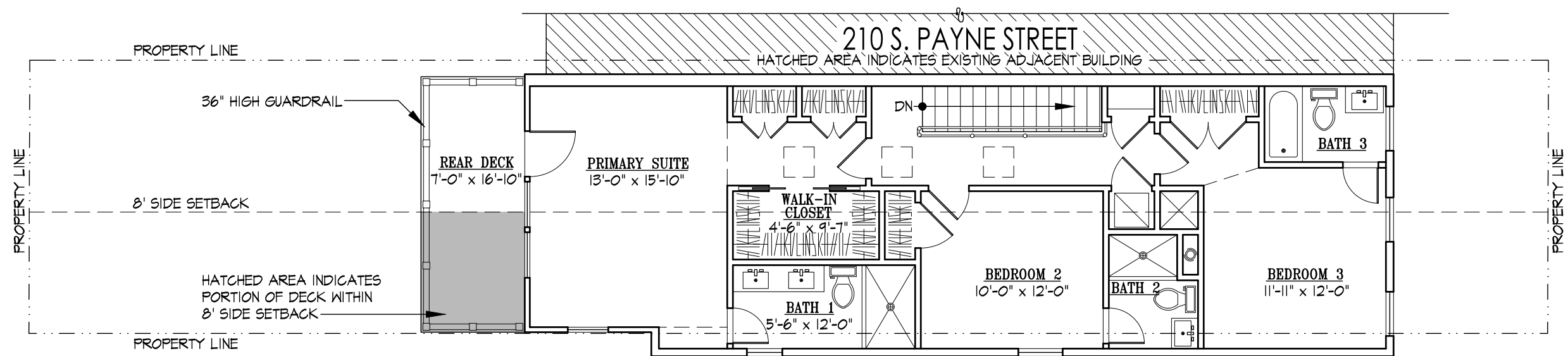
2
A3
PROPOSED REAR ELEVATION
SCALE: 1/8" = 1'-0"

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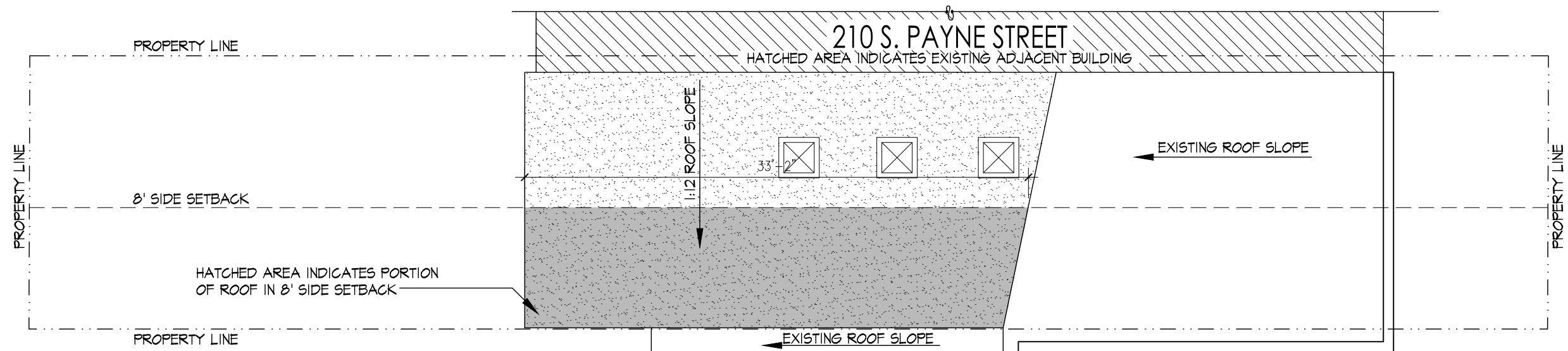
1 PROPOSED FIRST FLOOR PLAN
A4 SCALE: 1/8" = 1'-0"

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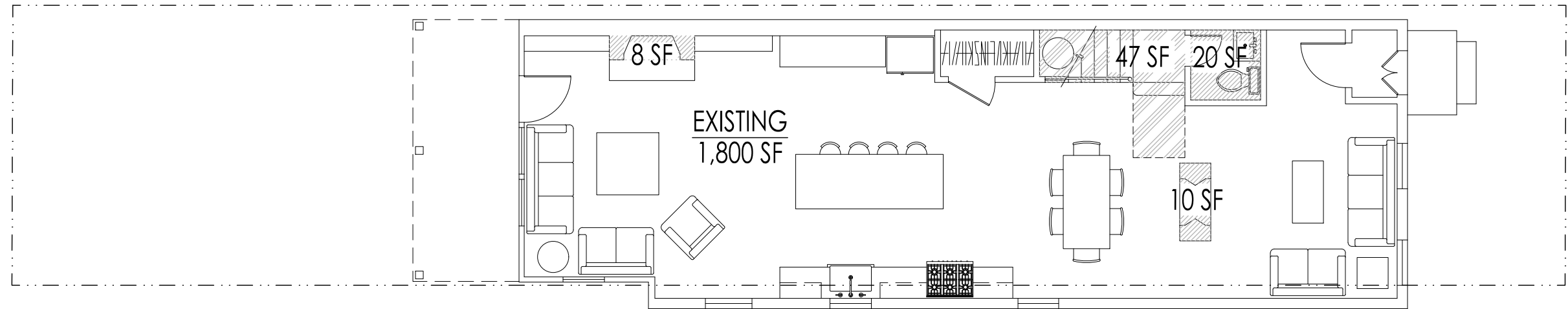
1 PROPOSED SECOND FLOOR PLAN
A5 SCALE: 1/8" = 1'-0"

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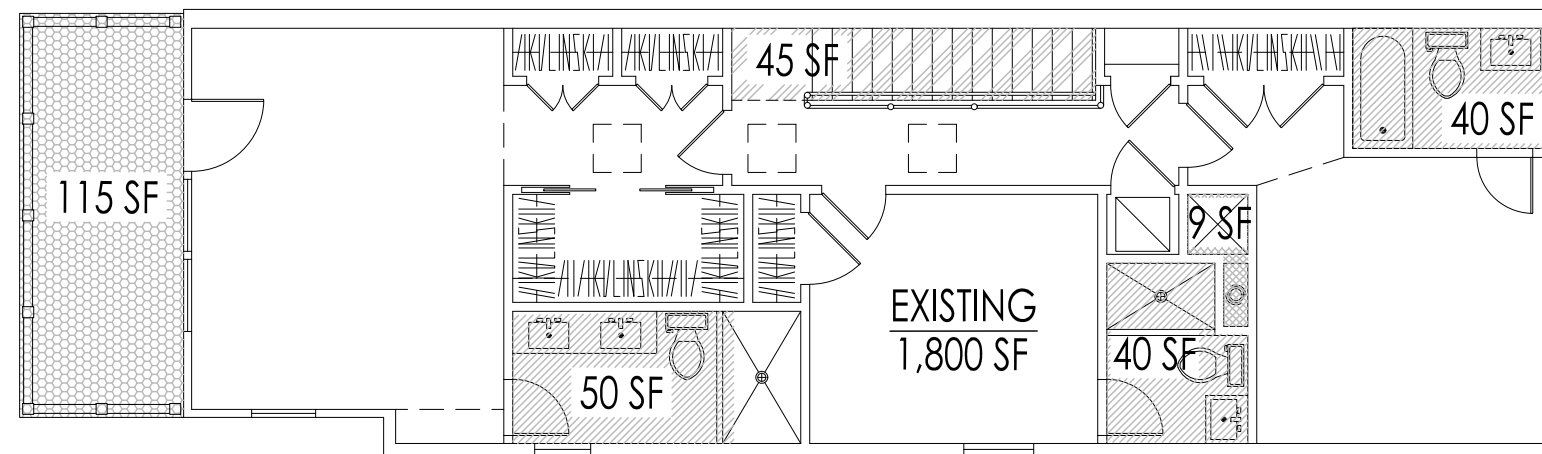


1 PROPOSED ROOF PLAN
A6 SCALE: 1/8" = 1'-0"

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1 FIRST FLOOR F.A.R. DIAGRAM
A7 SCALE: 1/8" = 1'-0"



2 SECOND FLOOR F.A.R. DIAGRAM
A7 SCALE: 1/8" = 1'-0"

DRAWING KEY

- LAVATORY
- STAIRS AND LANDINGS
- MECHANICAL
- OPEN SPACE
- DECK

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Kaliah L Lewis

From: Daniel Crane <dccrane@comcast.net>
Sent: Tuesday, February 23, 2021 5:57 PM
To: Kaliah L Lewis
Cc: steve@kulinskigroup.com
Subject: [EXTERNAL]BZA #2021-00001 208 South Payne Street
Attachments: 1226 - 208 S Payne Street Renovation Page A6 2-23-2021.pdf

As a homeowner at 1226 Prince Street located on the opposite side of the alley common to the property at 208 South Payne Street, I want to initially note that the renovation of the property is an immense improvement from the existing structure. However, I do have an issue that needs to be addressed by the staff and Board either before or during the public hearing on March 8, 2021. I will not be able to attend the hearing.

This issue is directed at the renovated roof. I would like the staff and Board to consider the impact of this new rear roof slope on *direct* water runoff into the alley. I have attached a copy of page A6 of applicants' application and I have highlighted in red the eave and soffit of the existing front roof slope and the new roof slope. It would appear that any water from rain, melting snow, etc., would be directed *directly* into the alley. No water runoff mitigation has been illustrated in the plans. It would appear that water runoff mitigation would be necessitated and this mitigation would need to be made within the property bounds of the property at 208 South Payne Street.

Thank you for your time in considering this concern.

Daniel Crane
1226 Prince Street
Alexandria, VA. 22314
dccrane@comcast.net

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1 PROPOSED ROOF PLAN
A6 SCALE: 1/8" = 1'-0"

A6

SCALE: 1/8" = 1'-0"

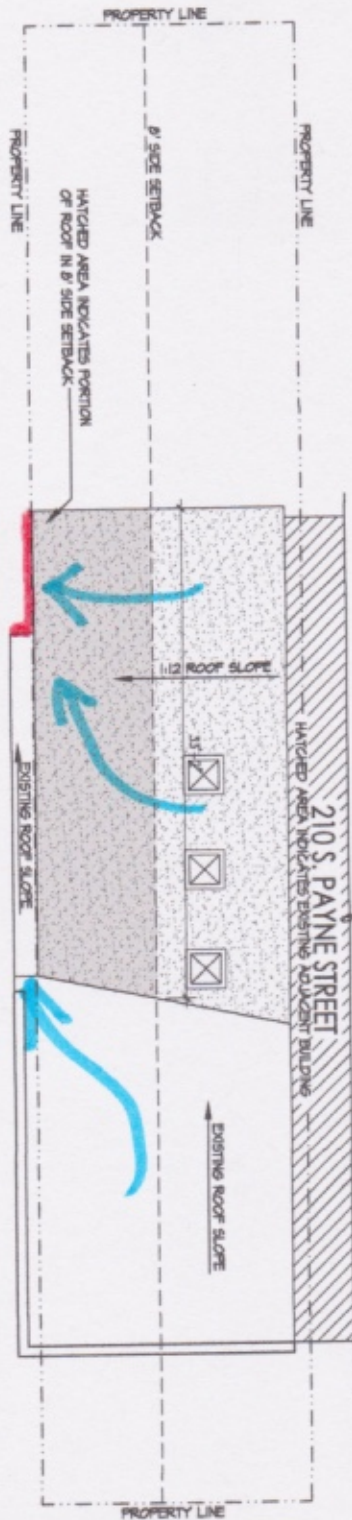
208 S. PAYNE STREET
208 S. PAYNE STREET ALEXANDRIA, VA 22314

222314

PROPOSED ROOF PLAN

1/22/2021

A6



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