



April 28, 2021

Mr. Nathan Macek, Chair
Ms. Melissa McMahon, Vice Chair
Mr. David Brown, Ms. Melinda Lyle, Mr. Stephen Koenig, Ms. Vivian Ramirez, and Mr. John Goebel, Commissioners
Alexandria Planning Commission
301 King Street
Alexandria, Virginia 22314

PlanComm@alexandriava.gov

Re: Application SUP 2020-00106: 1015 Duke Street
variances and conversion from commercial to residential use

Dear Planning Commission:

In this application, we see the culmination of a long skein of tremendously duplicitous behavior on the part of the owners of No. 1015 Duke Street, who have been playing a shell game with their neighbors and various City agencies at least since 2018. The applicant, Patrick Jansen, seeks a reduction in parking requirements and other concessions in connection with a proposed change in the use of this building from commercial to residential. He pretends that he was unaware of the restrictions when he bought the property, but this is simply not true: he knew of them and embarked on this course of action anyway.

No. 1015 and its adjoining neighbor, 1011 Duke Street, were owned by the same owners, Steven and Maureen Saunders, for many years, and were zoned commercial; the buildings were connected internally and used as a place of business. In 2018, the Saunders listed these buildings for sale and the listing agent applied to the City to convert No. 1011 back to residential use (BZA 2018-0018). Then, in December of the same year, Patrick Jansen (identifying himself as agent and contract buyer) applied to the City's Board of Architectural Review to build an addition to No. 1015, based on its (and 1011's) remaining zoned commercial; he also applied for building permits for commercial use. Somehow, notice of these applications did not get to the neighbors.

In January of 2019, the BAR held a hearing on the proposed addition to No. 1015 (BAR 2018-00571 & 2018-00579), as it is in the Old and Historic District. The BAR staff report on these applications noted that the proposed addition was only permissible if the building remained in a commercial use, and that "construction of the proposed addition will preclude future residential use" of the building (p. 4). The zoning department comments on the application noted that No. 1015 "will continue to be used commercially" and warned that the proposed addition would "negate the recent variance which approved" a setback reduction "if the building was to be used residentially" and further warned that the addition "would reduce the required open space" too much "for a residential use" (p. 8). Zoning also noted that there was an SUP application pending to convert No. 1011 to residential use, which included "a condition that open

space may not be reduced from the existing amount of the property if the property is to be used residentially” (p. 8).

At the BAR hearing, Christina Kelley, the BAR chair, questioned Mr. Jansen on the preclusion issue: “you’re aware ... that once you put the addition on, the building has to remain a commercial building—it can’t be used for residential?” Mr. Jansen stated on the record that he knew of this restriction against future residential use (this exchange appears at 9:57–10:11 on the video recording of the hearing). Thereafter, the BAR approved the addition, but disapproved a proposed enlargement of the nearby windows, which was done anyway.

The next week, the Saunders sold Nos. 1011 and 1015 to Impressive Home Solutions Group, LLC (controlled by the Jansens), not Mr. Jansen, although he was happy to call himself the owner of the building when it suited him to do so. Despite the representations made to the BAR, No. 1011 was indeed separated from No. 1015, converted to residential use, and sold a few months later. The Residential Sales Contract for Impressive Home Solutions’ sale of No. 1011 was dated January 23, 2019, just one week after the BAR hearing and one day after Impressive took title to the buildings.

Construction of the addition proved disastrous for the neighbors, whose foundation was damaged by the excavation for the addition and by the flooding that now occurs whenever it rains, as the drainage of the back yard of No. 1015 has been altered. No water mitigation plan appears in the records, and rainwater pools on the patio after a storm.

The year after the construction was undertaken, Impressive sold No. 1015 to Mr. and Mrs. Jansen, its own owners, for a stated price of \$0. That same year (October 30, 2020), Mr. Jansen filed for a change of the zoning from commercial to residential, and also for a variance to the open space requirement (BZA 2020-0024). After certifying under penalty of law that everything in the application was true, he suggested that he had made a mistake in calculating the FAR and that he had “just recently” noticed the error. A few days later (November 4), he applied again (BZA 2020-0025), suggesting that he wanted to live in the building, and claimed that he had “unknowingly” made a mistake in calculating the FAR (p. 8, ¶ 3) and that he had “just recently” (p. 11) noticed the error. The next month (December 1), he filed again, still attesting to the truth of the application, claiming he bought the house without knowing of the zoning restriction (see p. 9, ¶ 3B) and adding a request for relief from the front setback to his application (BZA 2020-0031). These applications included old, out-of-date survey plats that did not show the addition or any other structure built recently, and staff told the applicant that he needed a new survey. As of this writing, APEX reports that this application is only 6% completed.

A few days later (December 9, 2020), the Jansens filed for a special use permit (SUP 2020-00106) as well. In this application, they attest that all of the information provided is true (p. 1) and request relief from the front setback requirement, permission to replace the two standard parking spaces with compact spaces, and a change of the use of the building to

residential. This application has been pursued, through multiple amendments, to the point of a hearing. Although the building is still zoned commercial, the owners have been living there, and the City code inspectors have had to warn them that they may not live there under the current zoning. At least three warnings have been issued, and there is no final inspection and no certificate of occupancy.

The staff report states that “the applicant decided to use the property for residential use” “[a]fter the additions were made” (p. 4). However, the applicant has admitted to a neighbor that he always intended to live in the building, and asserted that he had the City “in [his] pocket” and was not worried about the effect of the commercial addition. Thus, the representations made in years past were knowingly false and misleading. The staff report notes that even with the requested parking reduction, the minimum 40% open space will not be achieved, and includes recommended conditions that will supposedly ensure that there is no further degradation of the zoning requirements, but in so doing, it seeks to bless this shell game.

Despite the application’s attestation, just above his signature, that all of the information provided in the application is true, correct, and accurate, there are serious shortcomings in it. The photograph is an old one: it was taken before the new wall was built. The survey plat provided is from 2018 and does not depict the 2019 addition (except as a theoretical construct added in later, and not by the surveyor) or other recent construction. Similarly, the calculations are inaccurate as they do not account for the other constructed areas, which would be shown by an up-to-date survey plat. The application puts blinders on the Planning Commission, while hoping nobody will notice.

As part of the current application, the Jansens include their plans for the 2019 addition, which was allowed to be built only after Mr. Jansen stated that he was aware that building the addition would “preclude future residential use” and “negate” certain variances. Although the three BZA applications have not been completed, they have not been withdrawn, either. The applicant claims he unknowingly and erroneously made the calculations at issue, but he omits that he assured the BAR that he knew he could never change the building to a residential use and knew the consequences of the construction he was proposing. In short, he is trying to use the Planning Commission (and BZA) to make an end run around restrictions he acknowledged to the BAR and accepted, hoping that the Planning Commission doesn’t know (or doesn’t care about) the history of this building. He is claiming that he made a mistake about restrictions and consequences he earlier admitted he knew about, in a bold effort to grab the advantages of both commercial and residential uses. He got the addition by assuring the City that the building would remain commercial. Now that he has the addition, he wants to convert the use to residential, which he knew very well he could not do once the addition was built. He claims he did not know of this restriction, despite assuring the BAR that he did. The Planning Commission should not put up with these games.

If the City were to allow landowners to shift the use of their buildings to build additions that would not be allowed for other uses, and then shift the use back once the additions are built,

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it would make a mockery of the distinctions on which use-based zoning is predicated. The Planning Commission should summarily deny this application.

Thank you.

Very truly yours,



Minturn Wright

enc.: staff report, BAR 2018-00571 & 2018-00579
video record, BAR meeting 1/16/19
application, BZA 2020-00025

Docket Item #7 & 8
BAR #2018-00571 & 2018-00579

BAR Meeting
January 16, 2019

ISSUE: Permit to Demolish/Capsulate (partial) and Certificate of Appropriates for Addition and Alterations

APPLICANT: Stephen & Maureen Sanders, by Patrick Jansen, contract purchaser

LOCATION: 1015 Duke Street

ZONE: CL / Commercial Low Zone

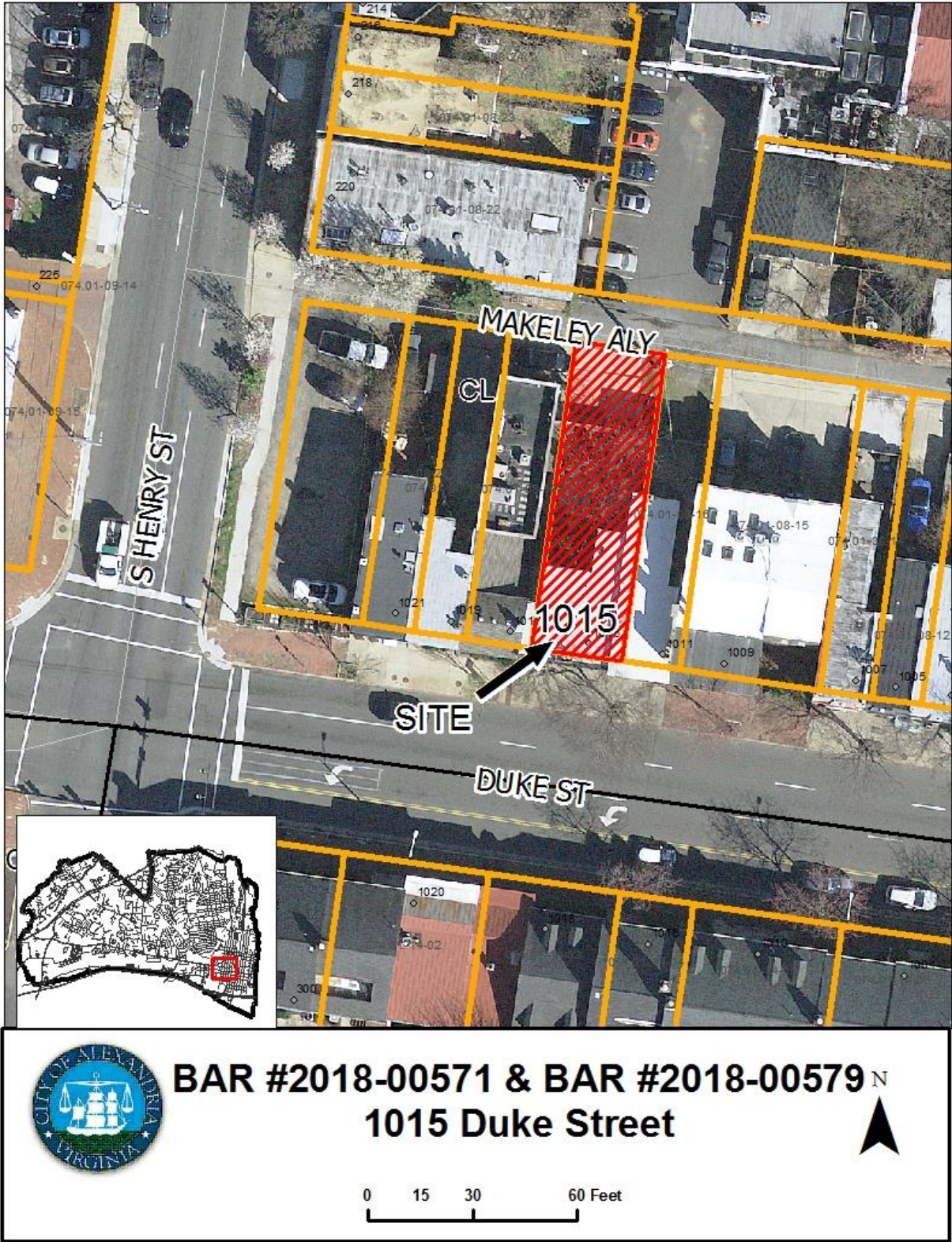
STAFF RECOMMENDATION

Staff recommends the following:

1. *Approval* of the Permit to Demolish/Capsulate and Certificate of Appropriateness for the two-story addition.
2. *Denial* of the request to enlarge the existing window and door openings on the north elevation of the rear ell with a larger, full-light window and door.
3. Call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities.
4. The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

GENERAL NOTES TO THE APPLICANT

1. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a stamped copy of the Certificate of Appropriateness or Permit to Demolish PRIOR to applying for a building permit. Contact BAR Staff, Room 2100, City Hall, 703-746-3833, or preservation@alexandriava.gov for further information.
2. **APPEAL OF DECISION:** In accordance with the Zoning Ordinance, if the Board of Architectural Review denies or approves an application in whole or in part, the applicant or opponent may appeal the Board's decision to City Council on or before 14 days after the decision of the Board.
3. **COMPLIANCE WITH BAR POLICIES:** All materials must comply with the BAR's adopted policies unless otherwise specifically approved.
4. **BUILDING PERMITS:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-746-4200 for further information.
5. **EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.
6. **HISTORIC PROPERTY TAX CREDITS:** Applicants performing extensive, certified rehabilitations of historic properties may separately be eligible for state and/or federal tax credits. Consult with the Virginia Department of Historic Resources (VDHR) prior to initiating any work to determine whether the proposed project may qualify for such credits.



Note: *Staff coupled the applications for a Permit to Demolish (BAR #2018-00571) and Certificate of Appropriateness (BAR #2018-00578) for clarity and brevity. The Permit to Demolish requires a roll call vote.*

I. ISSUE

The applicant is requesting a Permit to Demolish/Capsulate (partial) and Certificate of Appropriateness to construct a two-story rear addition at 1015 Duke Street.

Demolition/Capsulation

The new addition will occupy the open space adjacent to the rear ell and will fully capsulate the two-story rear wall of the main block as well as the two-story west elevation of the historic rear ell. Demolition is limited to enlarging the existing window openings to function as doors into the new addition.

On the rear elevation of the original ell, facing the yard, the single window and door will be removed and the openings will be enlarged to accommodate a larger window and door.

Addition

The proposed two-story addition will measure 14'-2.5" deep by 15' wide and will project two feet beyond the existing rear ell. The roof of the addition will have a 2.5' roof monitor with clerestory windows. The west elevation is largely devoid of openings, except for narrow horizontal windows on the second floor. The rear (north elevation) will have triple full-light windows on each floor. The addition will be clad with white stucco and have aluminum clad casement windows.

Alterations

Alterations to the existing rear ell consist of the installation of a single full-light window on the second floor matching the windows on the addition and full-light sliding glass doors on the first floor.

The property at 1015 Duke is presently connected on the interior to the adjacent structure at 1011 Duke (there is no 1013 Duke Street), though nothing on the exterior of that townhouse is proposed to be changed as part of this application.

II. HISTORY

The two-story, four-bay brick attached townhouse was likely constructed before **1877**, as a building with a similar footprint appears on the Hopkins Atlas of Alexandria. However, it is apparent that the front façade was reconstructed using modern, machine cut brick sometime in the early 20th century.

On December 10, 2018 the Board of Zoning Appeals approved BZA#2018-0018 to waive the required front yard setback at 1015 Duke in order to convert the commercially-used townhouse back to its original residential use. While the BAR does not review use, staff brings the zoning comments in this report to the applicant's attention, as construction of the proposed addition will preclude future residential use of the property.

Staff could not locate any BAR approvals for the subject property, but the BAR has approved additions at the flanking townhouses at 1017 and 1009 Duke Street, as well as the 7' brick wall behind 1015, 1011 and 1009 Duke Street the early 1990s.

III. ANALYSIS

Permit to Demolish/Capsulate

In considering a Permit to Demolish/Capsulate, the Board must consider the following criteria set forth in the Zoning Ordinance, §10-105(B), which relate only to the subject property and not to neighboring properties. The Board has purview of the proposed exterior demolition/capsulation regardless of visibility from a public way.

| Standard | Description of Standard | Standard Met? |
|----------|---|---------------|
| (1) | Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest? | No |
| (2) | Is the building or structure of such interest that it could be made into a historic shrine? | No |
| (3) | Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty? | No |
| (4) | Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway? | N/A |
| (5) | Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city? | No |
| (6) | Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live? | No |

While the small rear ell is likely original to the first period of construction, it is not a character defining feature of the building, as early 19th century shed roofed ells are. The windows have been replaced and there are ghost marks in the masonry suggesting other fenestration changes have occurred over the years. While a significant portion of masonry will be capsulated, there is a minimal amount of demolition to convert window openings to doors, and there remains a possibly in the future of reversing the proposed addition and re-exposing the historic brick walls, if desired. The features that will be demolished and capsulated are not of unusual or uncommon design and they could be reproduced easily. Staff recommends approval of the Permit to Demolish/Capsulate.

Addition & Alterations

The design of the proposed addition is consistent the recommendations contained in the *Design Guideline for Residential Additions*: "...a distinct yet compatible contrast with the original building through the use of differing materials, colors and the abstraction of the principal design elements of the original elements." Over the years the Board has seen a wide stylistic variety of additions to historic buildings, ranging from those that are subtly differentiated to more starkly contrasting designs. The form, fenestration and materials of the proposed addition are clearly distinct from the main building. However, given that the addition is in the rear, is only visible from a portion of the rear alley over a tall brick wall, and is located on a block with a wide variety of modern rear additions, staff has no objection to the proposed design. As the aerial map below shows, the size of the proposed addition will be among the more modest in this block. (Figure 1).



Figure 1: Aerial image showing proposed addition in red

However, staff does not recommend approval of the new fenestration on the historic west wall of the ell. While the proposed fenestration relates the new construction to the existing house, staff finds the form and size of the openings to be historically inappropriate and architecturally incompatible with the original ell wall. Staff has no objection to the replacing the existing non-historic door with a single light French door and installing a 1/1 sash window within the existing openings, provided that they meet the BAR's *New and Replacement Window Performance Specifications*.

While not a part of the proposed scope of work, it is unfortunate that the inappropriate Colonial Revival style 6/6 windows on the Duke Street façade are not proposed to be replaced with 1/1 or 2/2 sash windows more historically appropriate to this late Victorian period structure. Staff can administratively approve this alteration separately, should the owner wish to do so in the future.



Figure 2: Rear (north) elevation from alley showing the proposed addition in red

While the BAR does not review paint color, material colors are reviewed. The applicant has proposed white stucco. While a tan stucco would be more historically appropriate, in this case the walls of the existing and adjacent masonry ells are already painted white and the white stucco will blend in with these structures.

With the condition noted above, staff recommends approval of the application.

STAFF

Stephanie Sample, Historic Preservation Planner, Planning & Zoning
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

IV. CITY DEPARTMENT COMMENTS

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

Zoning

- F-1 The building will continue to be used commercially. The proposed addition will negate the recent variance which approved a reduction to the required front yard setback if the building was to be used residentially. While open space is not required for commercial uses, the proposed addition would reduce the required open space for a residential use beyond what is required.
- F-2 Submitted floor plans show the buildings at 1015 and 1011 are connected and both will be used commercially. There is a current SUP application to be reviewed by the Planning Commission and the City Council in February 2019 for 1011 Duke Street for a parking reduction and lot modifications of the residential requirements in the CL zone to convert the property from commercial to residential use. The SUP includes a condition that open space may not be reduced from the existing amount if the property is to be used residentially. Applicant should clarify the intended use of both properties.
- C-2 Proposed addition and alterations comply with zoning as long as the use at 1011 Duke Street remains commercial.

Code Administration

- C-1 A building permit, plan review and inspections are required prior to the start of construction.

Transportation and Environmental Services

- C-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)
- C-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- C-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)
- C-4 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-5 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-6 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-7 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-8 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (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)

Alexandria Archaeology

- F-1 Tax records and census records from 1810 suggest that a soap manufacturer may have been operating on this block, but the exact location is not known. Later records from 1830 and 1850 indicate the presence of free African American households on the street face, but again, exact addresses are unknown. The U.S. Military Railroad map prepared by the Union in 1865 and the G.M. Hopkins fire insurance atlas of 1877 show structures on or adjacent to the site.
- C-1 Call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
- C-2 The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

V. ATTACHMENTS

- 1 – Application for BAR 2018-00571 & 2018-00578: 1015 Duke Street*
- 2 – Supplemental Materials*

BAR Case # _____

ADDRESS OF PROJECT: 1015 Duke St.

TAX MAP AND PARCEL: 1 1 ZONING: CL

APPLICATION FOR: *(Please check all that apply)*

☒ CERTIFICATE OF APPROPRIATENESS

☒ PERMIT TO MOVE, REMOVE, ENCAPSULATE OR DEMOLISH
(Required if more than 25 square feet of a structure is to be demolished/impacted)

☐ WAIVER OF VISION CLEARANCE REQUIREMENT and/or YARD REQUIREMENTS IN A VISION
CLEARANCE AREA (Section 7-802, Alexandria 1992 Zoning Ordinance)

☐ WAIVER OF ROOFTOP HVAC SCREENING REQUIREMENT
(Section 6-403(B)(3), Alexandria 1992 Zoning Ordinance)

Applicant: ☒ Property Owner ☐ Business *(Please provide business name & contact person)*

Name: Steven & Marleen Sanders

Address: 1015 Duke St.

City: Alexandria State: Va Zip: 22314

Phone: _____ E-mail: _____

Authorized Agent *(if applicable):* ☐ Attorney ☐ Architect ☒ Purchaser

Name: Patrick Jansen Phone: _____

E-mail: PATRICK@JANSENPAULBA.COM

Legal Property Owner:

Name: Steven & Marleen Sanders

Address: 1015 Duke St.

City: Alexandria State: Va Zip: 22314

Phone: _____ E-mail: _____

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Is there an historic preservation easement on this property? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | If yes, has the easement holder agreed to the proposed alterations? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Is there a homeowner's association for this property? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | If yes, has the homeowner's association approved the proposed alterations? |

If you answered yes to any of the above, please attach a copy of the letter approving the project.

NATURE OF PROPOSED WORK: *Please check all that apply*

- ☐ NEW CONSTRUCTION
- ☒ EXTERIOR ALTERATION: *Please check all that apply.*
- | | | | |
|--------------------------------------|---|---|-----------------------------------|
| <input type="checkbox"/> awning | <input type="checkbox"/> fence, gate or garden wall | <input type="checkbox"/> HVAC equipment | <input type="checkbox"/> shutters |
| <input type="checkbox"/> doors | <input type="checkbox"/> windows | <input type="checkbox"/> siding | <input type="checkbox"/> shed |
| <input type="checkbox"/> lighting | <input type="checkbox"/> pergola/trellis | <input type="checkbox"/> painting unpainted masonry | |
| <input type="checkbox"/> other _____ | | | |
- ☒ ADDITION
- ☐ DEMOLITION/ENCAPSULATION
- ☐ SIGNAGE

DESCRIPTION OF PROPOSED WORK: *Please describe the proposed work in detail (Additional pages may be attached).*

Create a Two story addition on the back of the property. Meeting FAR Requirements
 The Demolition Consists of opening Two walls. This is where the addition will attach to the house.

SUBMITTAL REQUIREMENTS:

Items listed below comprise the **minimum supporting materials** for BAR applications. Staff may request additional information during application review. Please refer to the relevant section of the *Design Guidelines* for further information on appropriate treatments.

Applicants must use the checklist below to ensure the application is complete. Include all information and material that are necessary to thoroughly describe the project. Incomplete applications will delay the docketing of the application for review. Pre-application meetings are required for all proposed additions. All applicants are encouraged to meet with staff prior to submission of a completed application.

Electronic copies of submission materials should be submitted whenever possible.

Demolition/Encapsulation : *All applicants requesting 25 square feet or more of demolition/encapsulation must complete this section. Check N/A if an item in this section does not apply to your project.*

- ☒ ^{N/A} ☐ Survey plat showing the extent of the proposed demolition/encapsulation.
- ☒ ☐ Existing elevation drawings clearly showing all elements proposed for demolition/encapsulation.
- ☐ ☒ Clear and labeled photographs of all elevations of the building if the entire structure is proposed to be demolished.
- ☒ ☐ Description of the reason for demolition/encapsulation.
- ☐ ☐ Description of the alternatives to demolition/encapsulation and why such alternatives are not considered feasible.

Additions & New Construction: *Drawings must be to scale and should not exceed 11" x 17" unless approved by staff. All plans must be folded and collated into 3 complete 8 1/2" x 11" sets. Additional copies may be requested by staff for large-scale development projects or projects fronting Washington Street. Check N/A if an item in this section does not apply to your project.*

- ☒ ☐ N/A Scaled survey plat showing dimensions of lot and location of existing building and other structures on the lot, location of proposed structure or addition, dimensions of existing structure(s), proposed addition or new construction, and all exterior, ground and roof mounted equipment.
- ☒ ☐ FAR & Open Space calculation form.
- ☐ ☐ Clear and labeled photographs of the site, surrounding properties and existing structures, if applicable.
- ☒ ☐ Existing elevations must be scaled and include dimensions.
- ☒ ☐ Proposed elevations must be scaled and include dimensions. Include the relationship to adjacent structures in plan and elevations.
- ☐ ☒ Materials and colors to be used must be specified and delineated on the drawings. Actual samples may be provided or required.
- ☐ ☒ Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- ☐ ☒ For development site plan projects, a model showing mass relationships to adjacent properties and structures.

Signs & Awnings: *One sign per building under one square foot does not require BAR approval unless illuminated. All other signs including window signs require BAR approval. Check N/A if an item in this section does not apply to your project.*

- ☐ ☐ N/A Linear feet of building: Front: _____ Secondary front (if corner lot): _____
- ☐ ☐ Square feet of existing signs to remain: _____
- ☐ ☐ Photograph of building showing existing conditions.
- ☐ ☐ Dimensioned drawings of proposed sign identifying materials, color, lettering style and text.
- ☐ ☐ Location of sign (show exact location on building including the height above sidewalk).
- ☐ ☐ Means of attachment (drawing or manufacturer's cut sheet of bracket if applicable).
- ☐ ☐ Description of lighting (if applicable). Include manufacturer's cut sheet for any new lighting fixtures and information detailing how it will be attached to the building's facade.

Alterations: *Check N/A if an item in this section does not apply to your project.*

- ☐ ☐ N/A Clear and labeled photographs of the site, especially the area being impacted by the alterations, all sides of the building and any pertinent details.
- ☐ ☐ Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- ☐ ☐ Drawings accurately representing the changes to the proposed structure, including materials and overall dimensions. Drawings must be to scale.
- ☐ ☐ An official survey plat showing the proposed locations of HVAC units, fences, and sheds.
- ☐ ☐ Historic elevations or photographs should accompany any request to return a structure to an earlier appearance.

BAR Case # _____

ALL APPLICATIONS: *Please read and check that you have read and understand the following items:*

- ☒ I have submitted a filing fee with this application. (Checks should be made payable to the City of Alexandria. Please contact staff for assistance in determining the appropriate fee.)
- ☒ I understand the notice requirements and will return a copy of the three respective notice forms to BAR staff at least five days prior to the hearing. If I am unsure to whom I should send notice I will contact Planning and Zoning staff for assistance in identifying adjacent parcels.
- ☒ I, the applicant, or an authorized representative will be present at the public hearing.
- ☒ I understand that any revisions to this initial application submission (including applications deferred for restudy) must be accompanied by the BAR Supplemental form and 3 sets of revised materials.

The undersigned hereby attests that all of the information herein provided including the site plan, building elevations, prospective drawings of the project, and written descriptive information 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 undersigned also hereby authorizes the City staff and members of the BAR to inspect this site as necessary in the course of research and evaluating the 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:

Signature: 

Printed Name: Petrik Jansen

Date: 12/17/18

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. <i>Steven Saunders</i> | <i>1015 Duke St</i> | <i>50 %</i> |
| 2. <i>Naveen Saunders</i> | <i>1015 Duke St</i> | <i>50 %</i> |
| 3. | | |

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at *1015 Duke 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. <i>Steven Saunders</i> | <i>1015 Duke St.</i> | <i>50%</i> |
| 2. <i>Naveen Saunders</i> | <i>1015 Duke St.</i> | <i>50 %</i> |
| 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.

| 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. <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| 2. <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| 3. | | |

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

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

12/17/18 *Patrick Lensen* *[Signature]*
 Date Printed Name Signature



Department of Planning and Zoning

Floor Area Ratio and Open Space Calculations

B

A. Property Information

A1. Street Address Zone

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

B. Existing Gross Floor Area

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

C. Proposed Gross Floor Area

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

D. Total Floor Area

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

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

E. Open Space (RA & RB Zones)

E1. Sq. Ft.
Existing Open Space

E2. Sq. Ft.
Required Open Space

E3. Sq. Ft.
Proposed Open Space

Notes

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

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

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

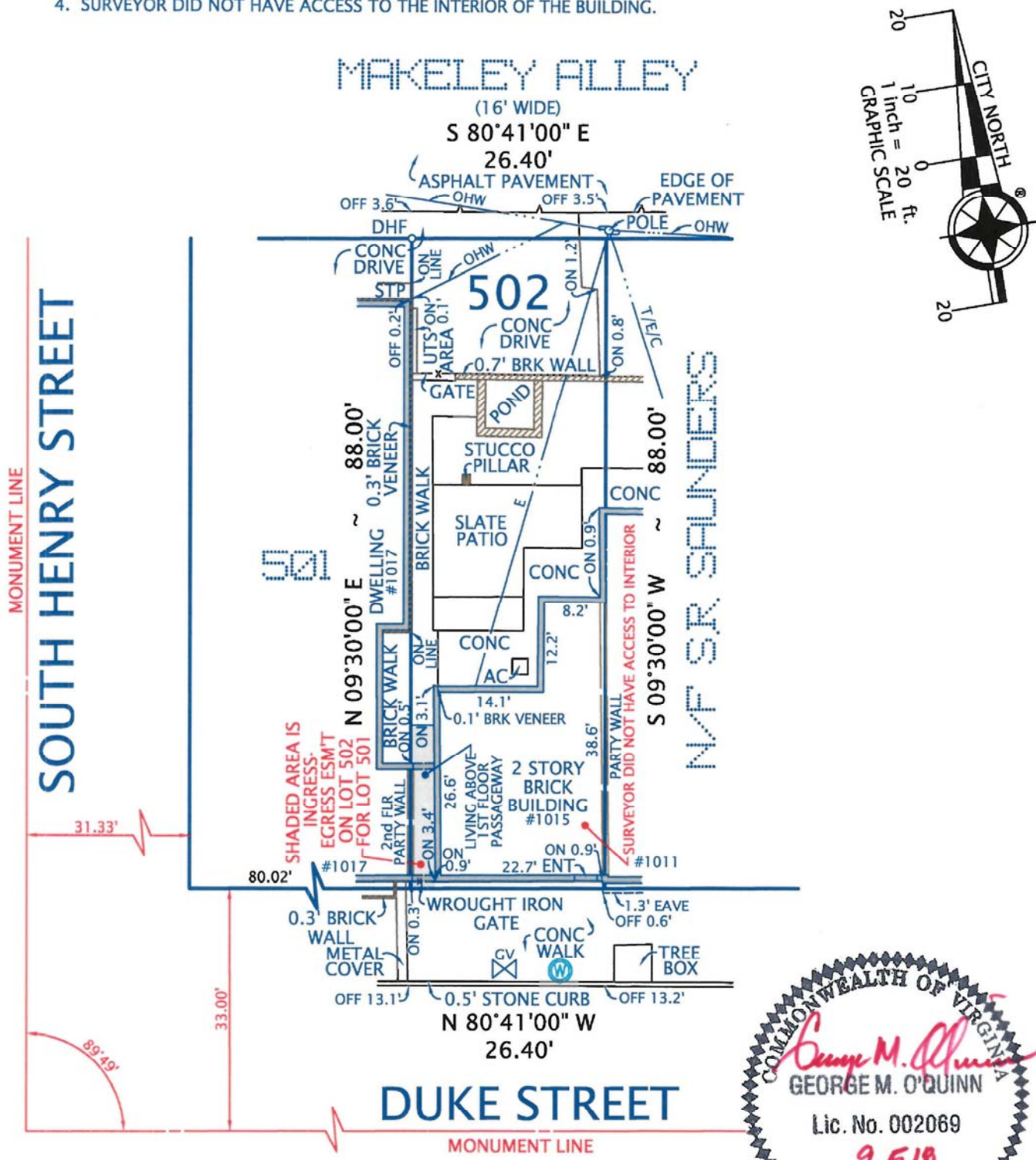
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: **SALVATORE BENVENGA** Digitally signed by SALVATORE BENVENGA
DN: cn=SALVATORE BENVENGA, o=SB DESIGN STUDIOS, ou=SB DESIGN STUDIOS, email=SALVATORE@SBDESIGNSTUDIOS.COM, c=US
Date: 2018.12.07 16:46:28 -0500

Date: _____

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- NOTES: 1. LOT AREA = 2,323 SF.
2. WALLS ARE 1.1' CONC & BRICK UNLESS NOTED.
3. RESIDENCE IS USED IN CONJUNCTION WITH #1011 DUKE STREET.
4. SURVEYOR DID NOT HAVE ACCESS TO THE INTERIOR OF THE BUILDING.



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.

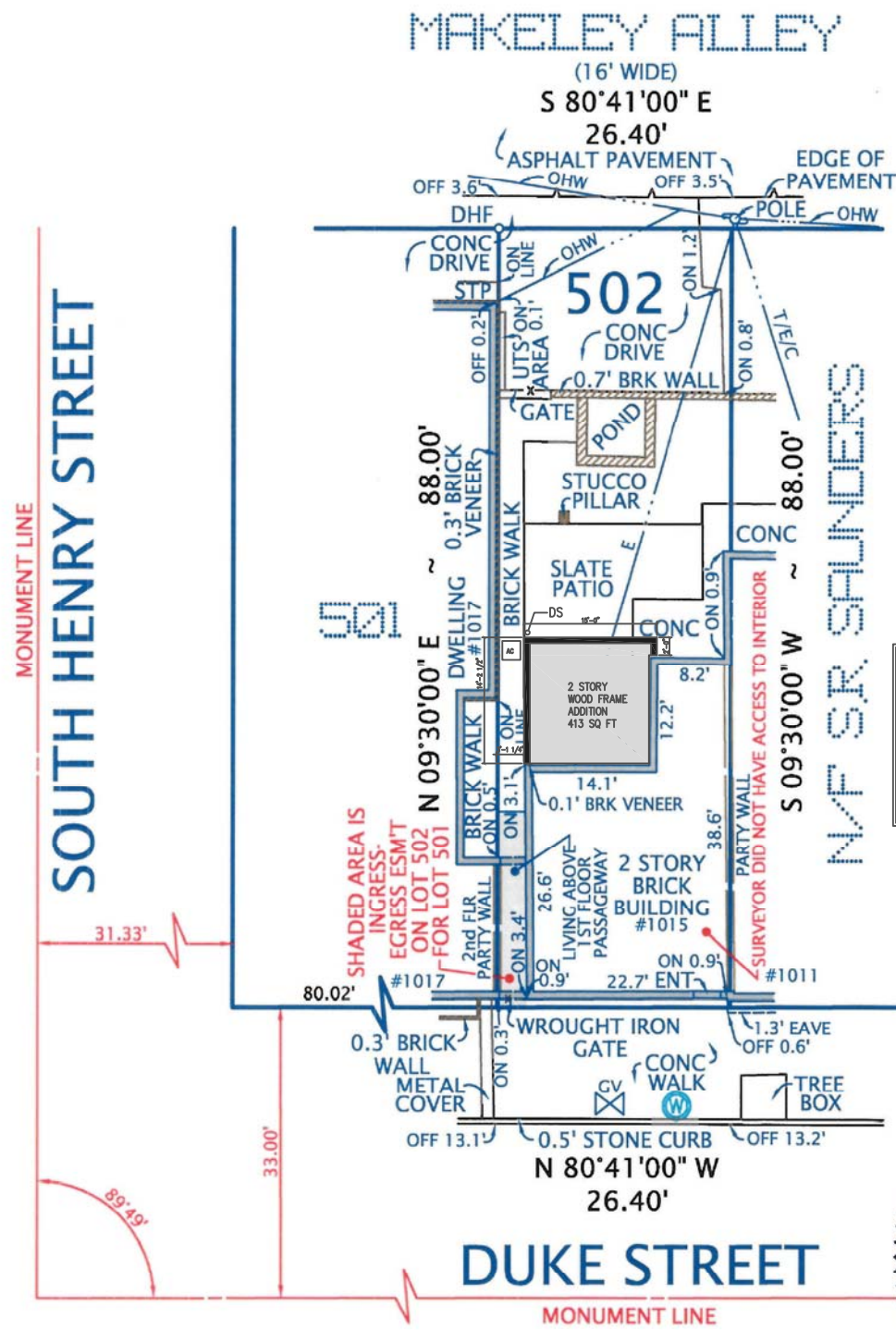


CASE NAME:
STEVE SAUNDERS

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

CASE NAME: SAUNDERS

#180827015



NOTES:

1. DS= DOWNSPOUT TO SPLASHBLOCK
2. REAR YARD TO BE USED AS:
 - CONTROLLED CONSTRUCTION ENTRANCE
 - CONSTRUCTION STAGING AREA
3. MAX AREA OF DISTURBANCE: 872 SQ FT

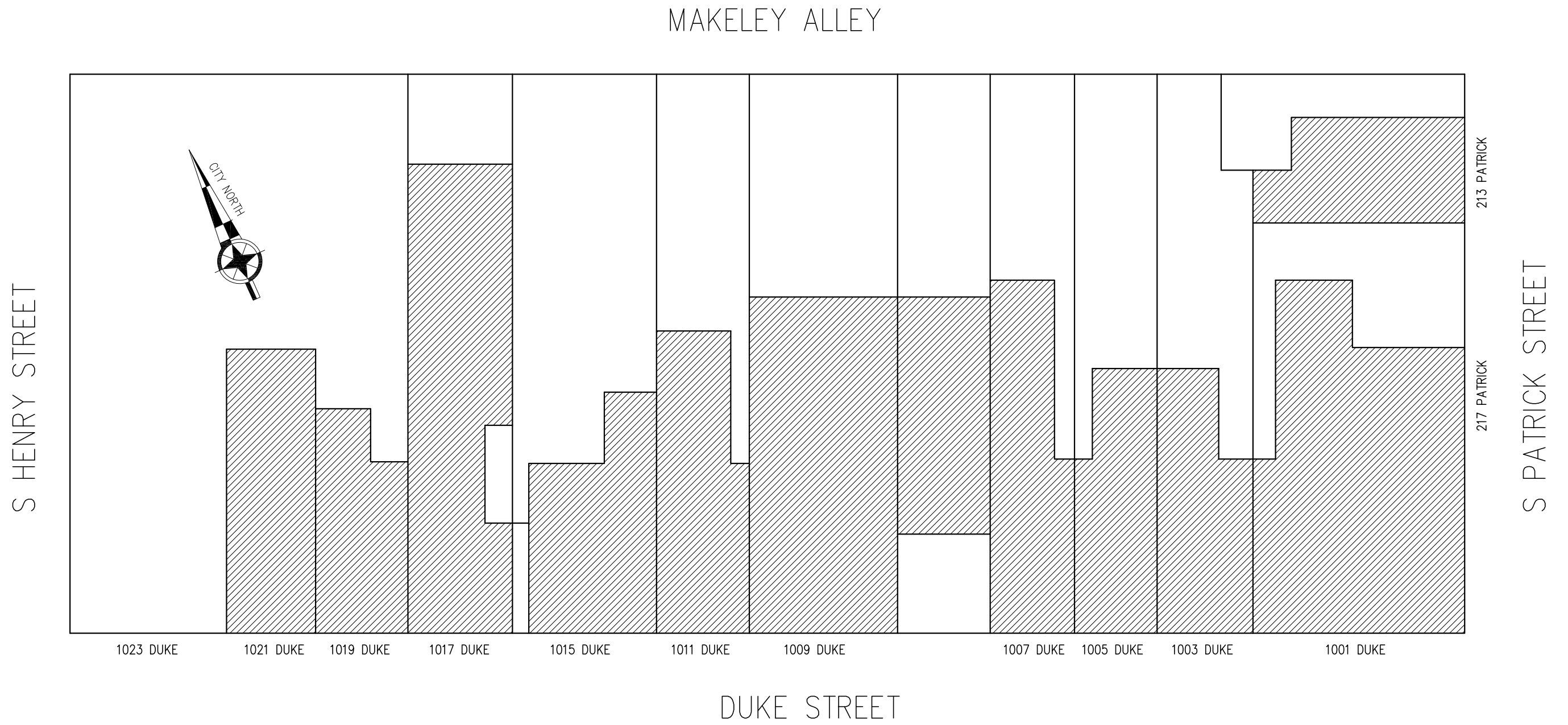


(DEED BOOK 1142, PAGE 637)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' SEPTEMBER 05, 2018

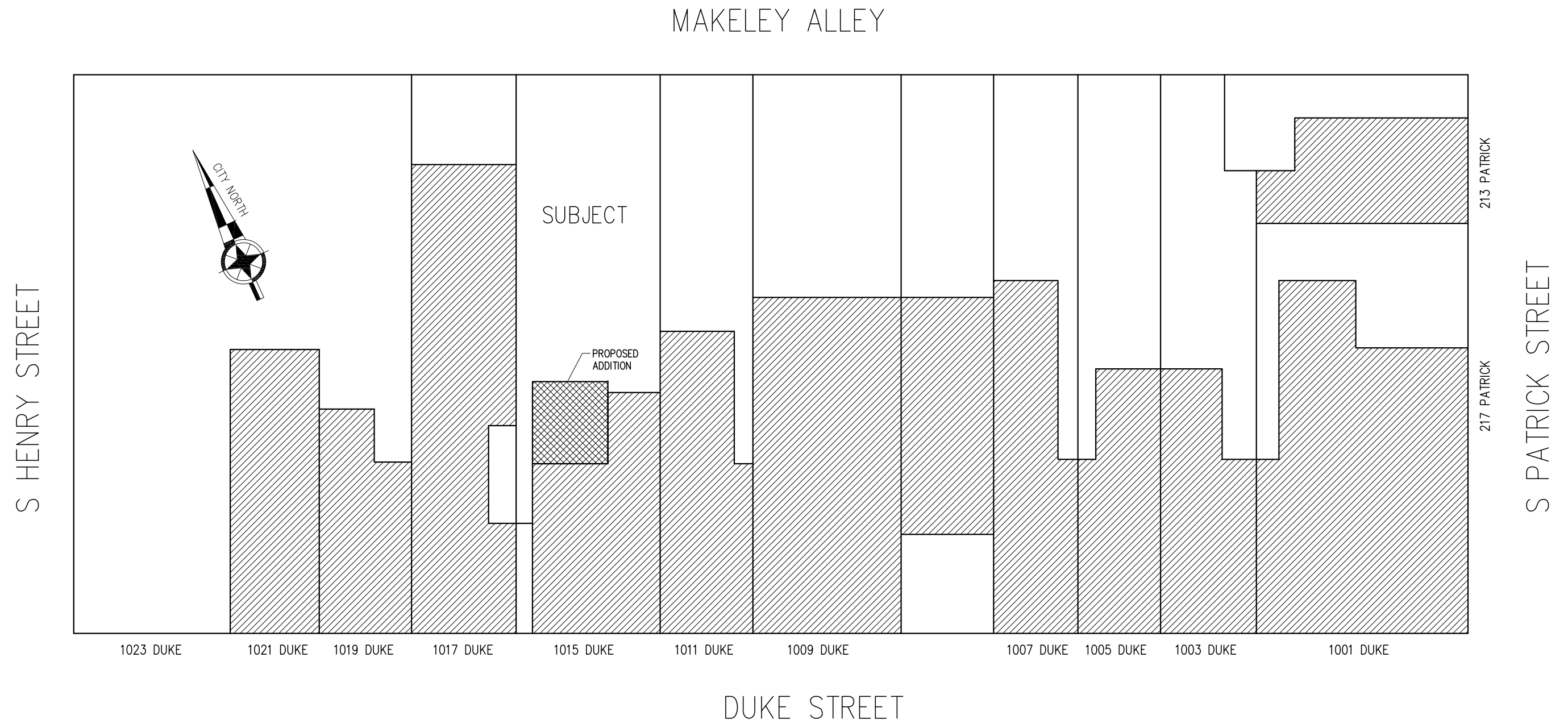
09/05/2018
 GEORGE M. O'QUINN
 LICENSE NO.
 2069
 COMMONWEALTH OF VIRGINIA
 LAND SURVEYOR
George M. O'Quinn

 **DOMINION** Surveyors
Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

#180827015

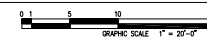


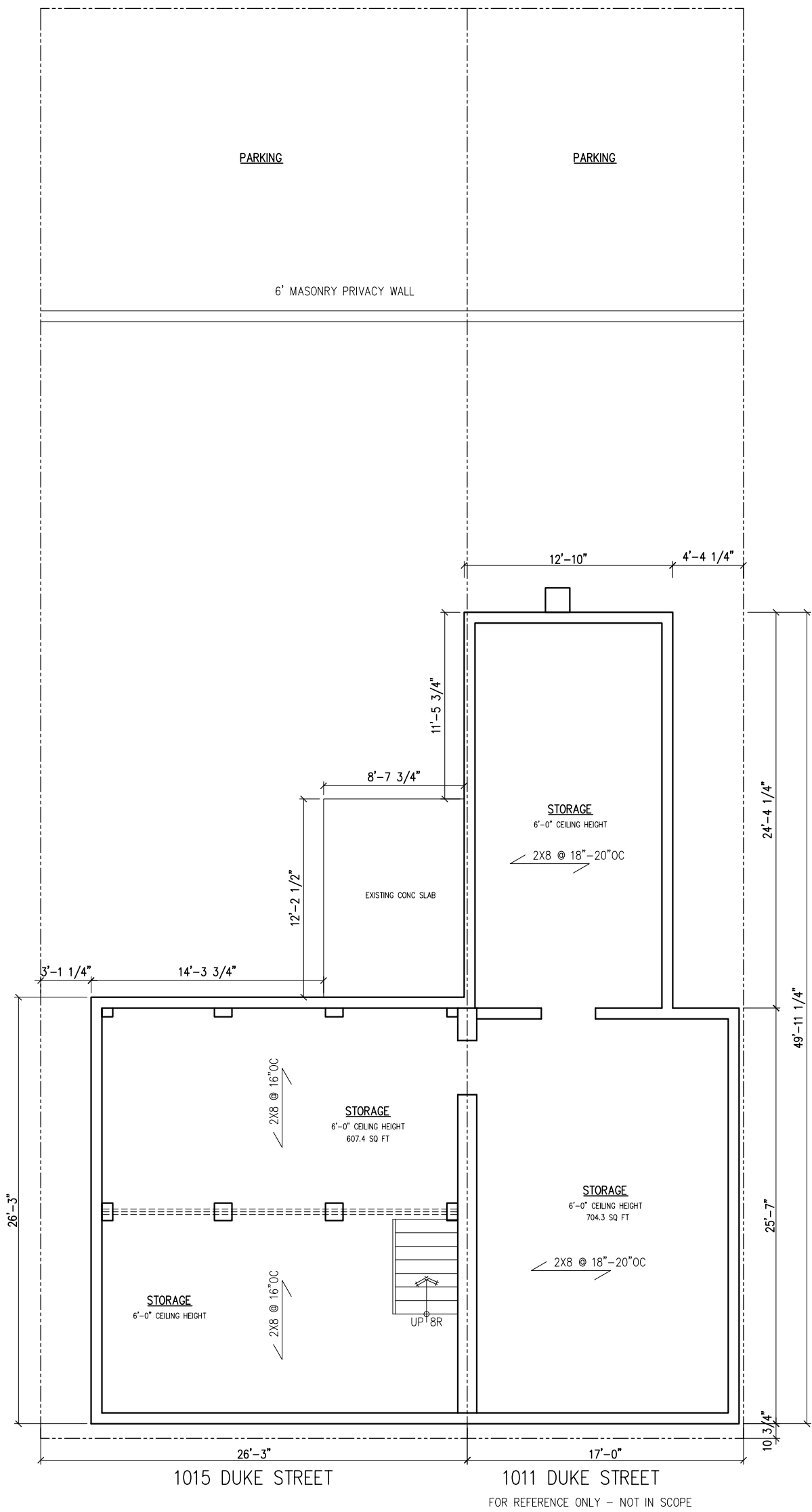
A EXISTING BLOCK PLAN



A PROPOSED BLOCK PLAN

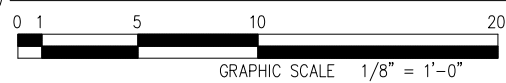
SCALE: 1" = 20'

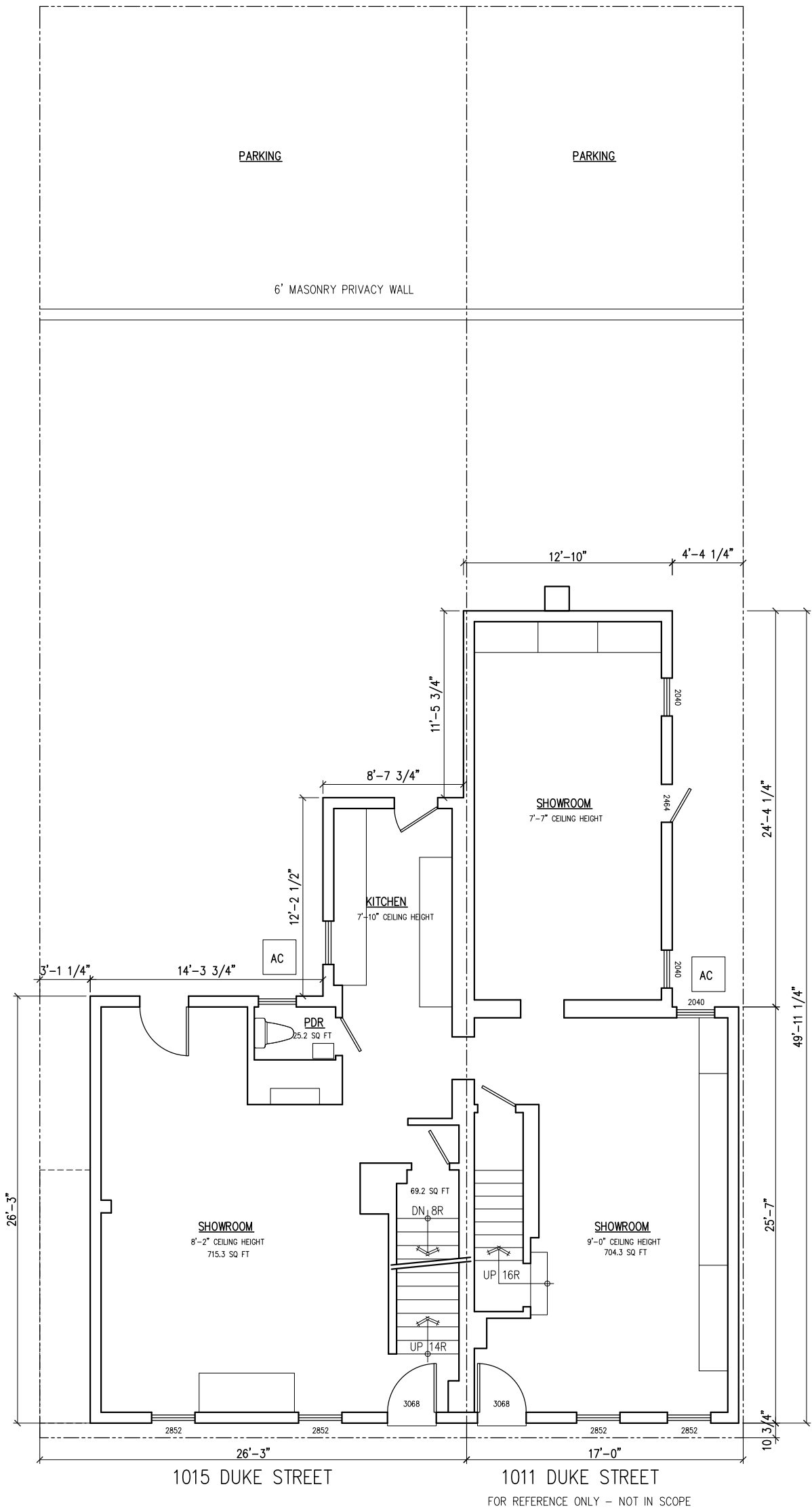




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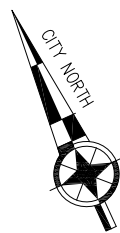
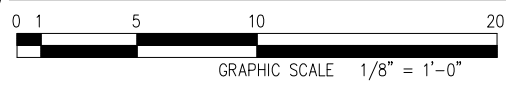
EXISTING BASEMENT FLOOR PLAN

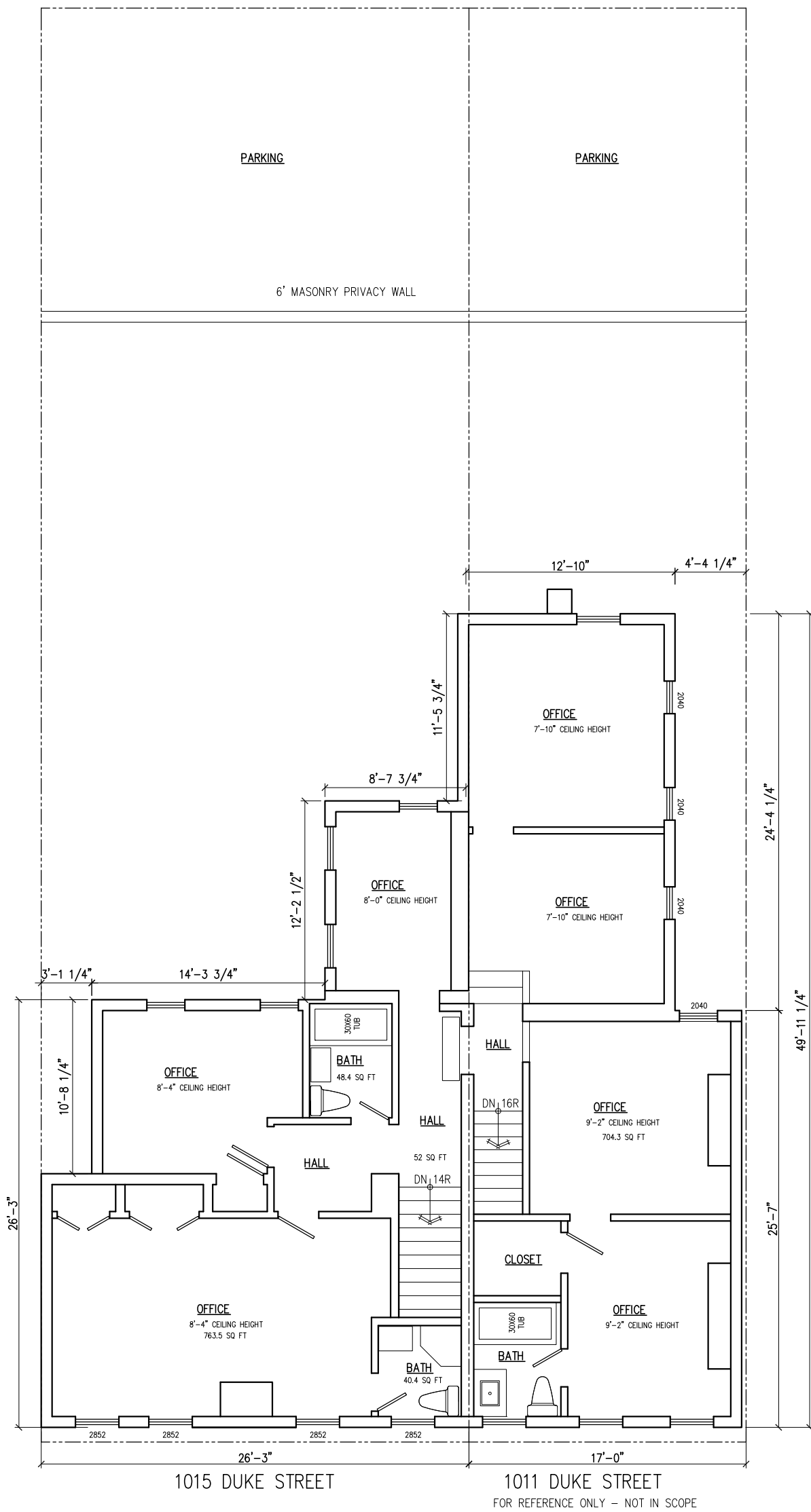




B

EXISTING 1ST FLOOR PLAN

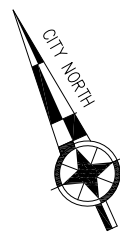




C EXISTING 2ND FLOOR PLAN

0 1 5 10 20

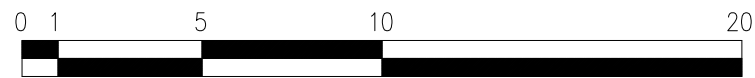
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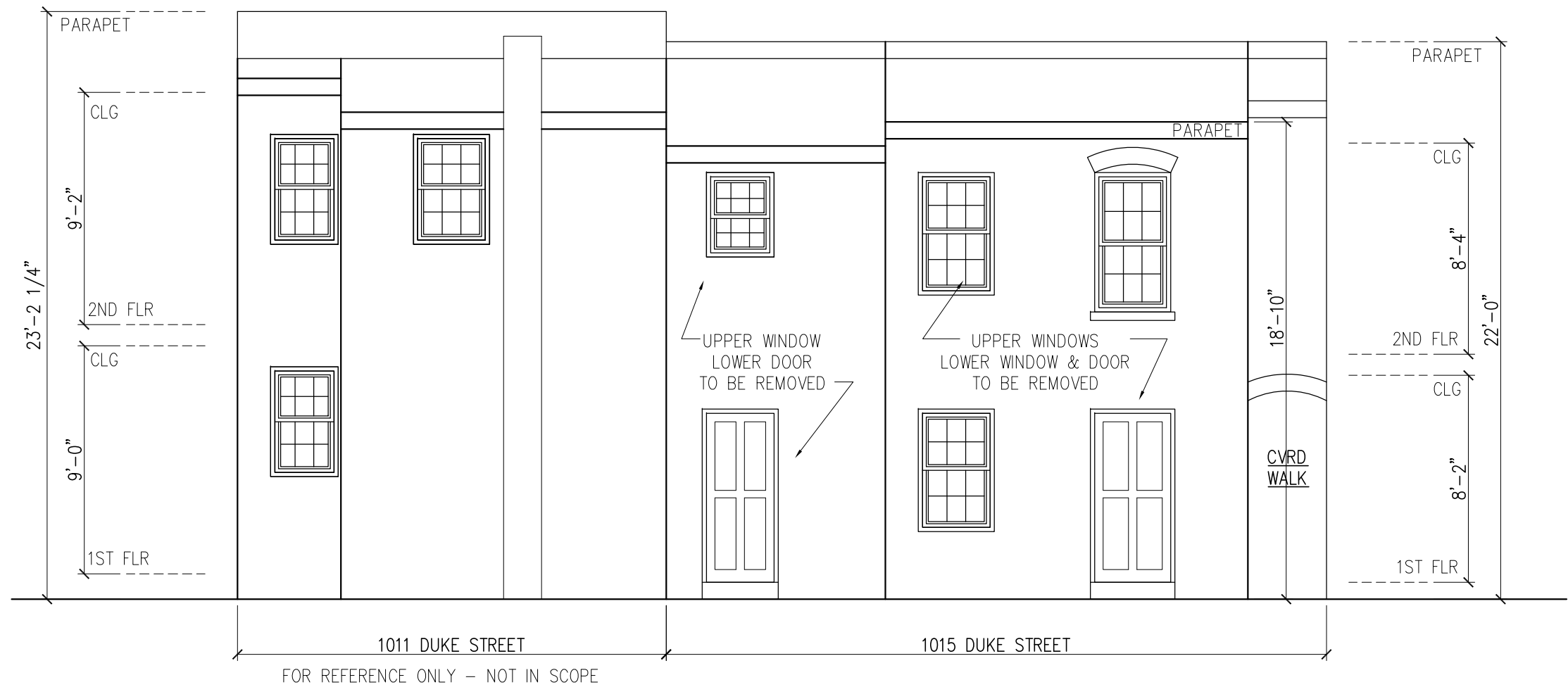


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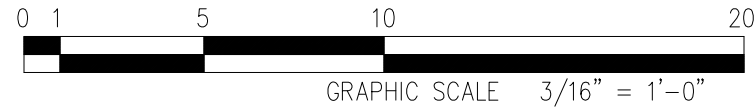
EXISTING SOUTH ELEVATION (FRONT)

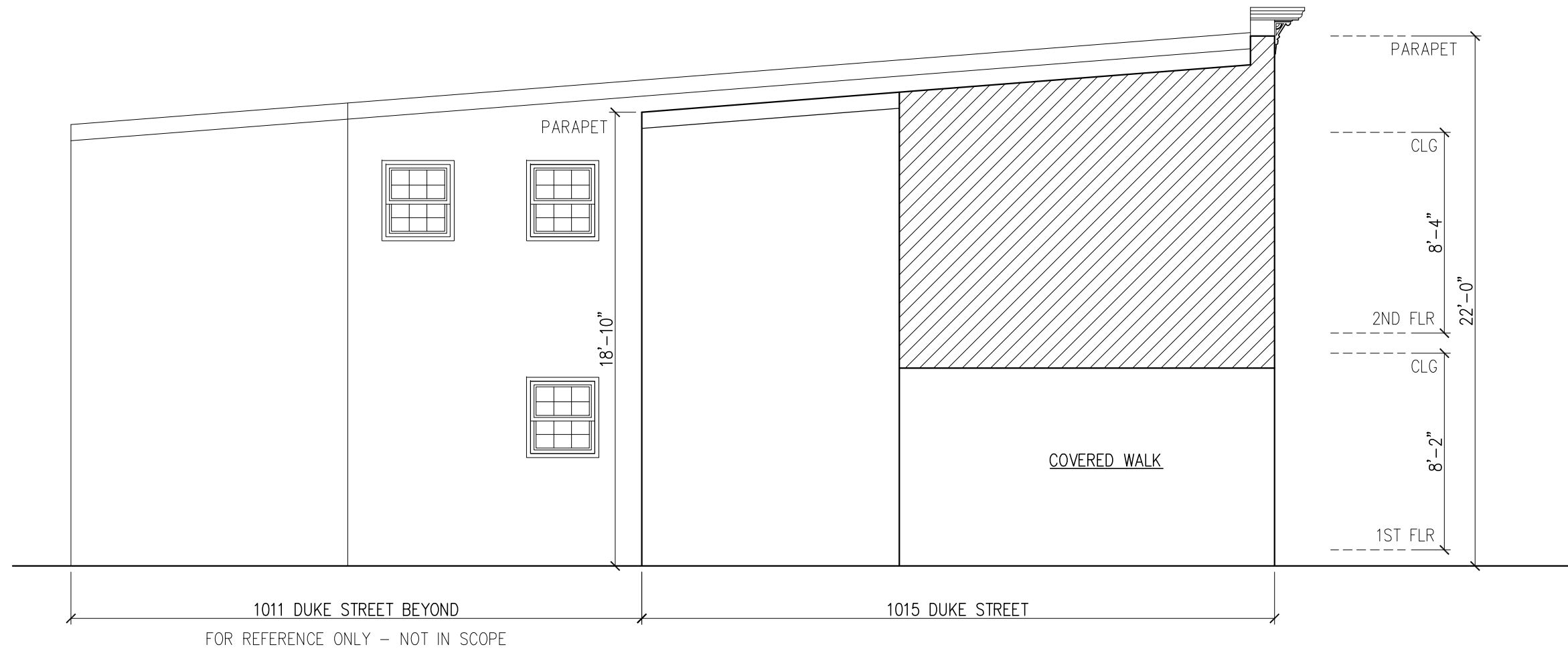


GRAPHIC SCALE 3/16" = 1'-0"



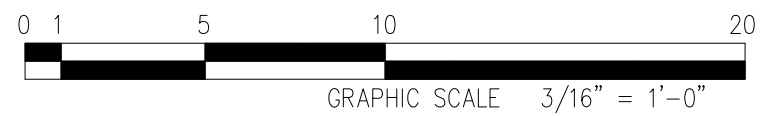
C EXISTING NORTH ELEVATION (REAR)

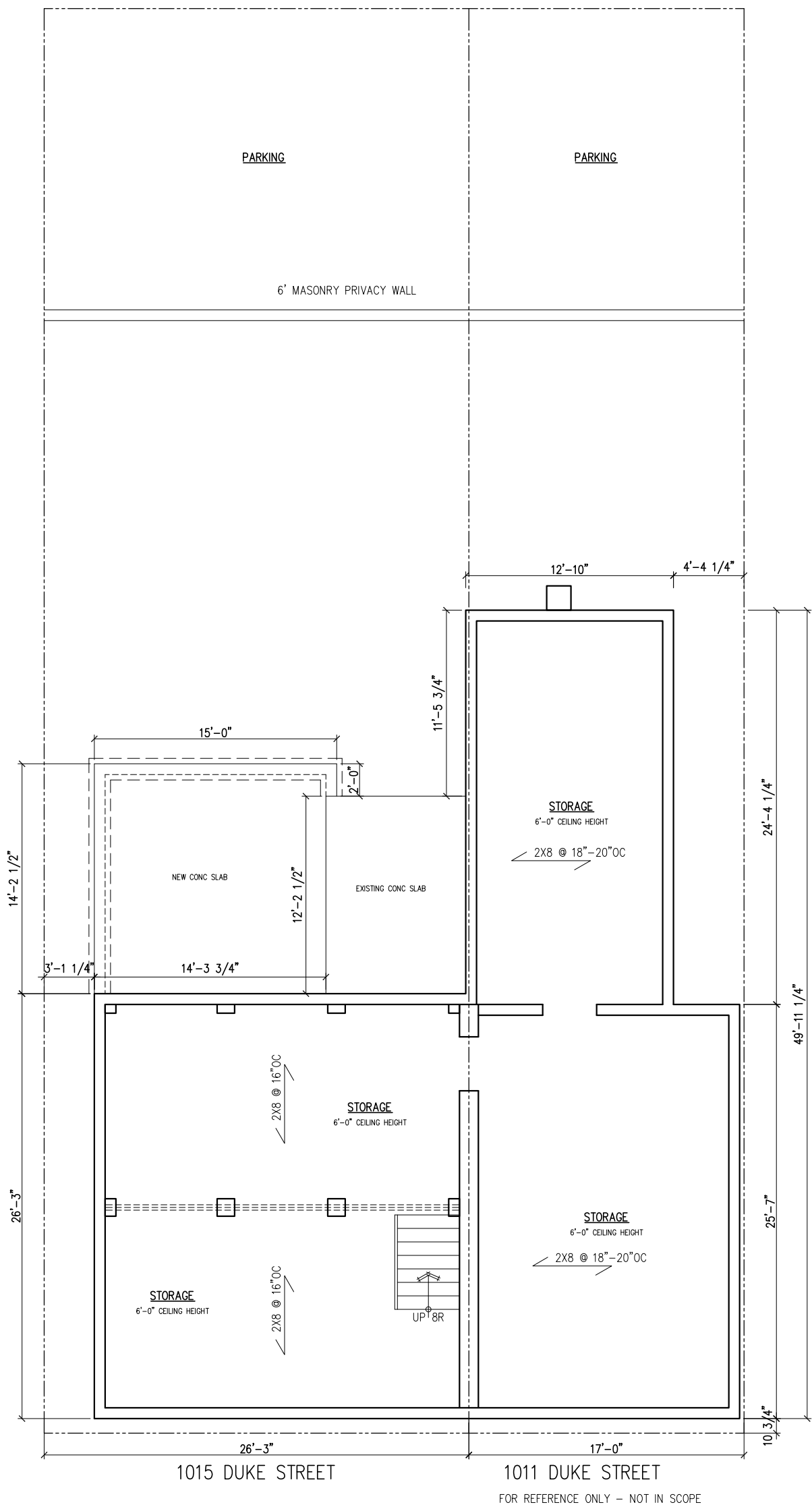




B

EXISTING WEST ELEVATION (LEFT) 1011 DUKE





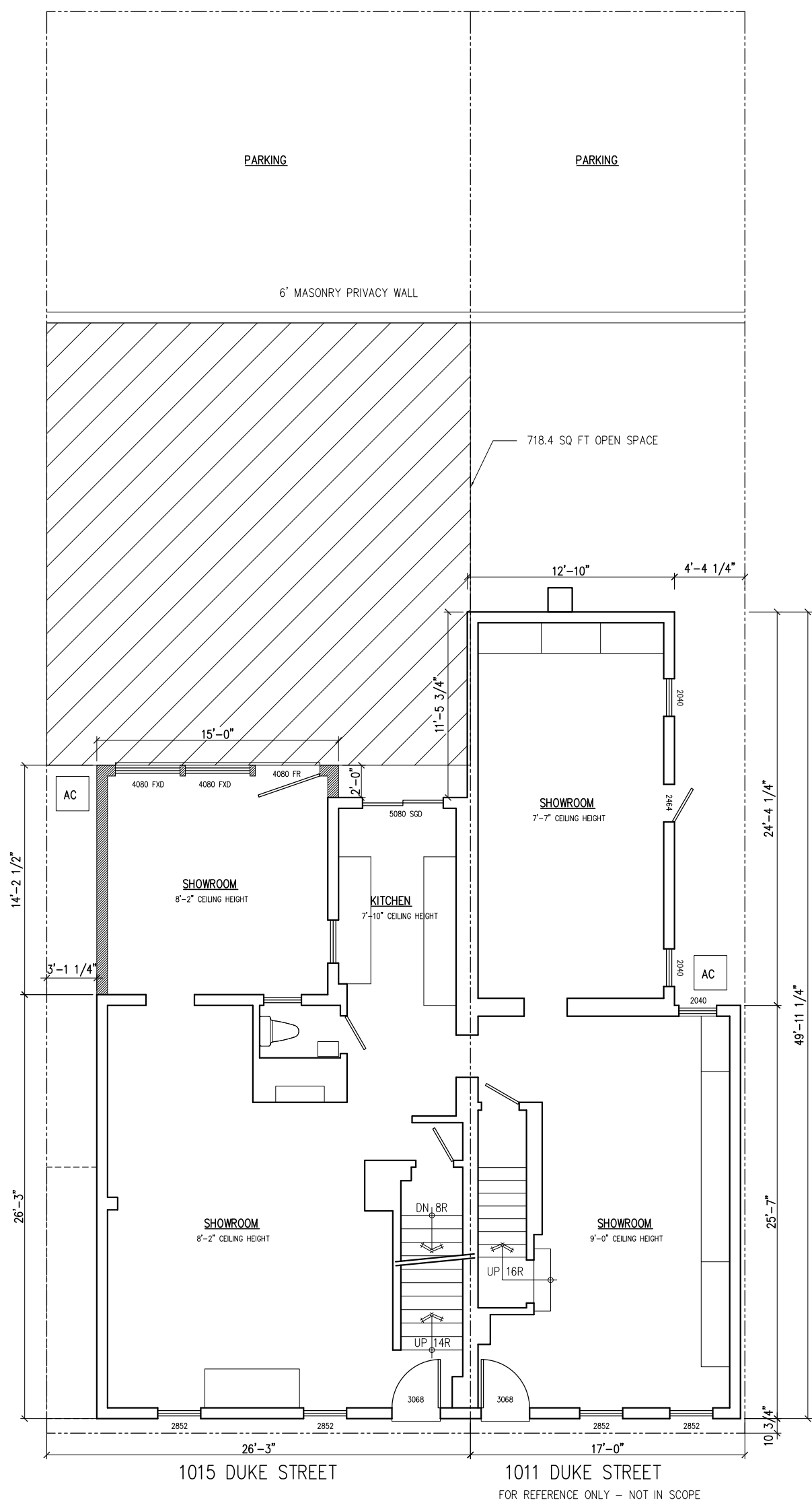
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PROPOSED BASEMENT FLOOR PLAN

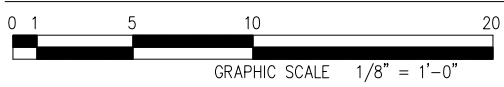
01520

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

CITY NORTH



PROPOSED 1ST FLOOR PLAN





1015 DUKE STREET

1011 DUKE STREET

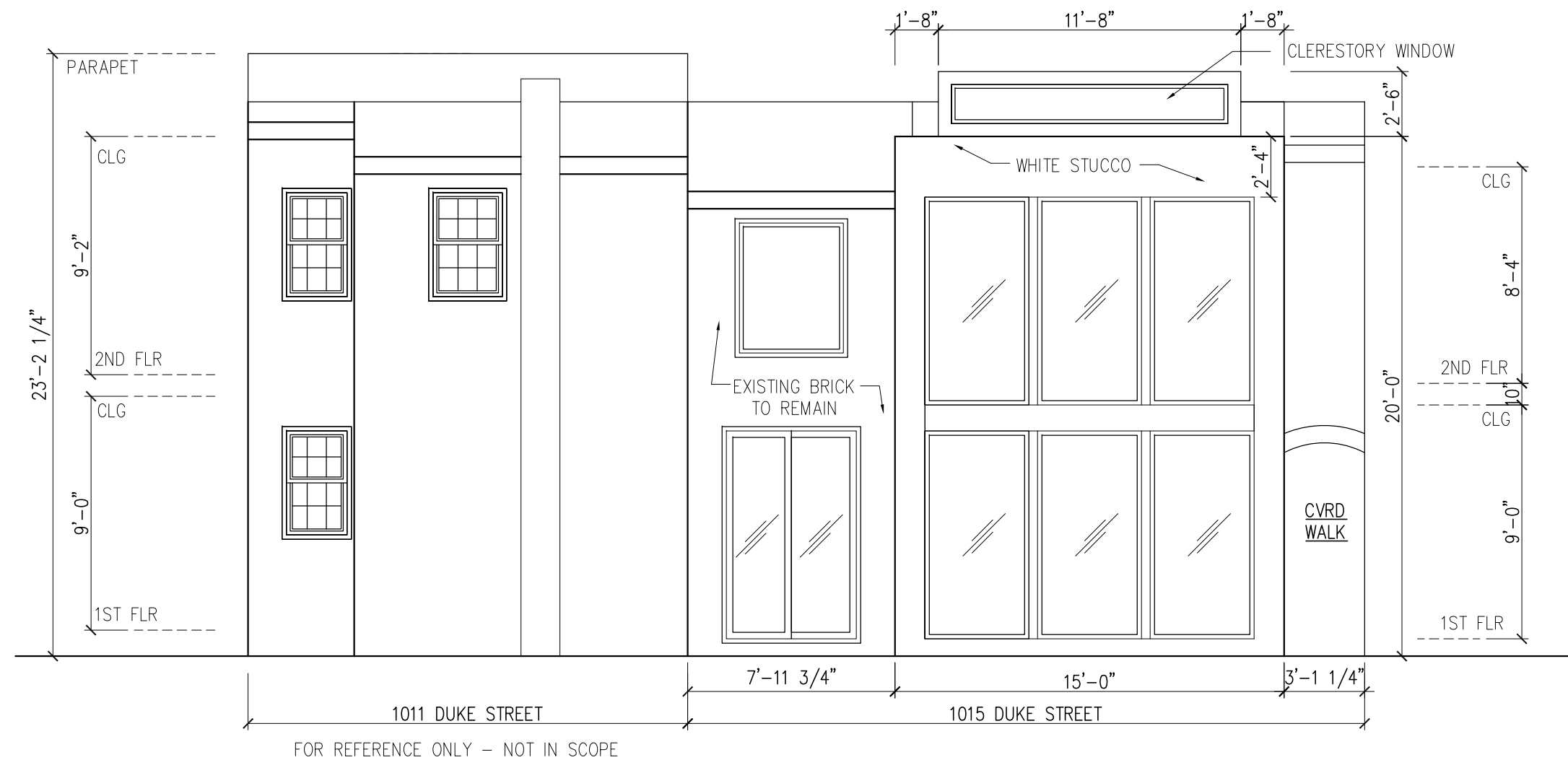
FOR REFERENCE ONLY – NOT IN SCOPE

A

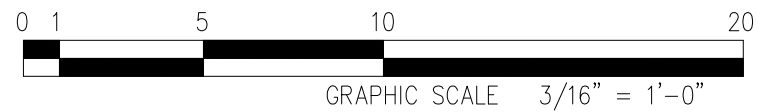
PROPOSED SOUTH ELEVATION (FRONT)



GRAPHIC SCALE 3/16" = 1'-0"



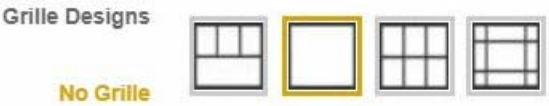
C PROPOSED NORTH ELEVATION (REAR)



SITELINE WOOD CASEMENT WINDOW



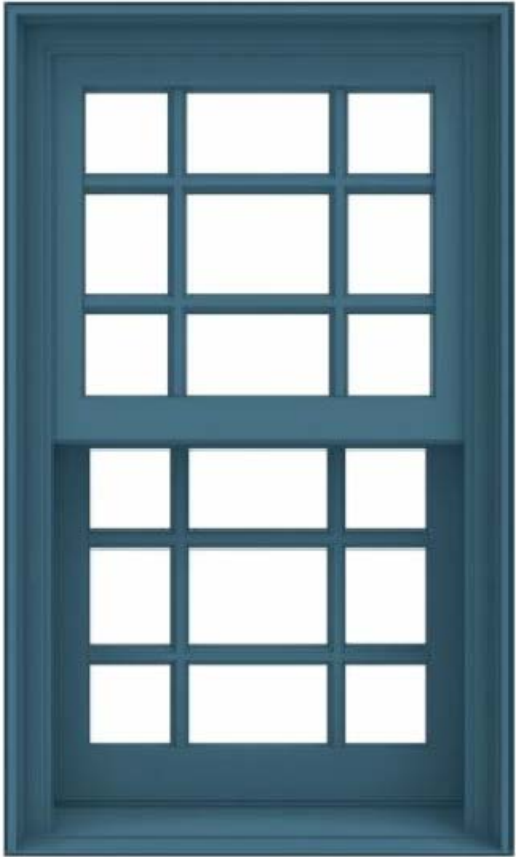
Options [View product details for more options](#)



DOUBLE-HUNG WINDOWS

JELD-WEN double-hung windows offer a traditional style. They feature an upper and lower sash that can slide vertically past each other in a single frame and have a concealed jamb liner, providing a clean and architecturally focused look. Both sash tilt in for convenient cleaning.

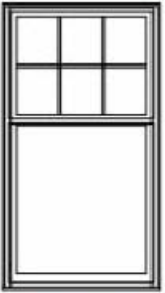
These windows feature an optional 3-1/2" bottom rail with optional finger plow and a top rail with optional finger routes.



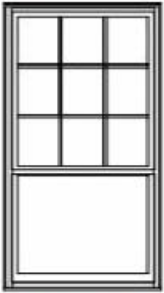
Beneath the low-profile exterior are several engineering and design cues that will keep these windows operating smoothly for years to come. See dealer for additional product details and ordering information.

JELD-WEN.COM

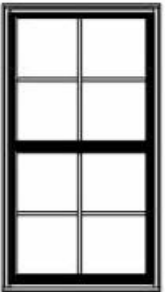
OPTIONAL DESIGNS



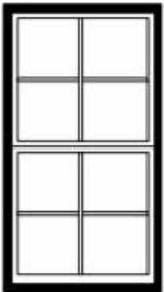
COTTAGE



REVERSE COTTAGE



HYBRID
WOOD FRAME/
CLAD SASH



HYBRID
CLAD FRAME/
WOOD SASH



CHAMBERED COMPOSITE
INTERIOR SILL

- Added strength
- Space in chambers acts as thermal break

WINDOW SELECTION

[CLICK HERE TO VIEW THIS MEETING:](#)

Board of Architectural Review Public Hearing Video - 1/16/19



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

_____ **Filing Fee**

_____ **Filing Deadline**

_____ **Board of Zoning Appeals Hearing**

Applicants must send written notice of public hearings by certified or registered mail to all adjoining and facing property owners at least 10 days prior to the Board of Zoning Appeals hearing, and not more than 30 days prior to the hearing.

Send notices by certified or registered mail between the dates of

1 _____ and *Dec 04TH* _____.

INSTRUCTIONS

All materials are required to be uploaded to the Customer Service (CSS) Portal for a complete submission.

1. **FILING DEADLINE INSTRUCTIONS:** Board of Zoning Appeals applications, with required plans, must be submitted to the Department of Planning and Zoning at least 30 working days prior to the hearing date. Failure to submit all required information and plans by the filing deadline will result in the application being deferred to a later hearing date.
2. **FORMS:** Please complete the following forms below:
 - **APPLICATION:** Complete the form titled "Application for Variance: Board of Zoning Appeals."
 - **FLOOR AREA RATIO FORMS:** Complete form **A** for single and two-family residences outside the historic districts. Complete form **B** for all other properties.
3. **PDF PLANS:** Supporting materials are to be submitted with each application. Plans, drawings, photos, or other materials should not exceed 11" x 17" and should not be smaller than 8.5" x 11". All plan sets must be to scale. Applications without the required supporting materials will be deemed incomplete and will not be scheduled for hearing by the BZA.
4. **PHOTOGRAPHS:** Applicants must submit photographs of the property in the location where the variance is requested.
5. **FILING FEE:** Application fees are to be paid online through the CSS Portal. Once an application is submitted, staff will invoice the applicant with payment instructions. The application will not be processed until payment is received.
6. **PROPERTY OWNER NOTIFICATION:** Applicants must send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail **at least ten days** prior to the Board of Zoning Appeals public hearing (not counting the date of the hearing) and **not more than 30 days** prior to the hearing. Applicants may use the notice form supplied with the application forms. See page 16-20 for property owner notification instructions and. In the event the application is deferred, notification shall be given again. The following must be submitted to the Department of Planning and Zoning no later than **five calendar days** prior to the public hearing:
 - a copy of the notice letter sent
 - a list of the names and addresses of those persons to whom notice was sent
 - a copy of the post office receipts for the certified or registered mail
 - "Certification of Notice" form found at the back of this application.

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Assessment Office, Room 2600, City Hall, 301 King Street or online at www.alexandriava.gov/city/realestate.

BOARD OF ZONING APPEALS PROCESS

PUBLIC HEARINGS – BOARD OF ZONING APPEALS

The Board of Zoning Appeals meets on the second Monday of each month in the City Council Chambers, City Hall, at 7:00 P.M. Meeting dates should be verified by the applicant prior to the hearing as they are subject to change. **The applicant or a representative must attend the meeting.**

DEFINITION OF VARIANCE, Code of Virginia § 15.2-2201

"Variance" means, in the application of a zoning ordinance, 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 when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

STANDARDS FOR VARIANCE, Code of Virginia § 15.2-2309

The Board of Zoning Appeals may grant a variance if the evidence shows that the strict application of the City's Zoning 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, and the following criteria are met:

- i. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- iii. 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;
- iv. 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;
- v. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application

EFFECTIVE PERIOD OF VARIANCE

Any variance granted by the Board of Zoning Appeals is valid for a period of one year from the date the variance is approved. If no construction or operation has commenced within one year from the date of approval, the variance becomes null and void.

APPEAL OF THE BOARD OF ZONING APPEALS DECISION

Any person jointly or severally aggrieved or affected by a decision of the Board of Zoning Appeals may appeal such decision by filing a petition in the Circuit Court of the City. The petition shall set forth the alleged illegality of the Board's action, and shall be filed within 30 days from the date of the decision of the Board.

RECONSIDERATION OF AN APPLICATION

If an application for a variance is denied, the Board of Zoning Appeals shall not consider an application for the same variance on the same site again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.

**For assistance with any of these procedures or processes, please call the
Department of Planning and Zoning at 703-746-4333.**



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

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

PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name Patrick & Maryam Jansen

Address 1015 Duke St.

Daytime Phone 571-225-7947

Email Address PATRICK@JANSENPAULBA.COM, MARYAMSOROUSHI1@gmail.com

2. Property Location 1015 Duke St.

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

4. Legal Property Owner Name Impressive Home Solutions Group LLC

Address 6631 Old Dominion Dr.

Norfolk, Va 22101

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. <i>Patrick Jansen</i> | <i>1015 Duke St.</i> | <i>50%</i> |
| 2. <i>Margan Jansen</i> | <i>1015 Duke St</i> | <i>50%</i> |
| 3. | | |

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

| Name | Address | Percent of Ownership |
|--------------------------|---------------------|----------------------|
| 1. <i>Patrick Jansen</i> | <i>1015 Duke St</i> | <i>50%</i> |
| 2. <i>Margan Jansen</i> | <i>1015 Duke St</i> | <i>50%</i> |
| 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. <i>N/A</i> | | |
| 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:

*Asking for a variance for Open Space.
Request C2 Commercial Zoning to Change to C2
Residential.*

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:

Patrick Jansen

Date:

11/4/20

Signature:

PJ

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.

2300Part B

Applicant must explain the following.

1 A

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

1015 Duke st was originally constructed for residential use and had been for over 85 years. The vast majority of the homes, 9 out of 12 homes are residential. Granting the variance would promote conformity and achieve parity on the block. To enforce the zoning ordinance would unfairly and unreasonably prevent 1015 Duke st to be used in the same manner as its similar situated neighbors. This would not allow us to live in the home.

1B.

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

If the variance was granted, this would allow us to move into the home.

2 Is this reasonable restriction or hardship unique to the property?

No, other homes have the same issue and have been issued variances. Examples: 1017 Duke st. Has no Open space at all. Please see picture attached. The house is residential and was allowed not to have any open space. 1011 Duke st, does not meet the 40% requirement and was issued a variance. Other homes are similar. Our footprint has one of the best Open Space ratios on the street.

2a Explain if the restriction or hardship is shared by other properties in the neighborhood.

Yes, most neighbors on this street have this hardship, they do not meet the 40% Open Space rule, but have been granted a variance.

2B Does this situation or condition of the property (on which this application is based) generally apply to other properties in the same zone?

Yes, this applies to the entire street.

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

Unknowingly Yes. When the FAR was calculated, the FAR's implanted calculations are incorrect. If the calculations where correct, we would of changed the design to accommodate for the Open Space variance and zoned it CL residential.

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

No.

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

Yes.

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

When the FAR incorrectly calculated the FAR and Open Space.

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

When the FAR incorrectly calculated the FAR and Open Space.

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

No, most of the homes in the block are residential. 8 out of the 11 houses are residential. One is an apartment building and the other two are commercial spaces (including property in question).

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

No, both properties on either side are residential.

4B Has the applicant shown the proposed plans to the most affected property owners? Have these property owners written statement of support or opposition of the proposed variance? If so, please attach statements or submit at the time of the hearing.

Yes, The addition has been built. I am in the process of obtaining letters from the neighbors.

5 Is there any other administration or procedural remedy to relieve the hardship or unreasonable restrictions?

There is enough Open Space if you just calculate the square footage on the raw/existing land but because of the city restrictions, these areas are not counted. I don't understand why.

The restrictions are as follows:

1. you cannot count the side yard (less than 8x8 sq ft) 9 out of the 11 homes on this block have small side yards
2. Cannot convert the unusable portion of the driveway into open space.

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, the alternative plan is to consider the raw or true open space. This will provide over 110 sq ft of additional open space. Please see the survey attached. This is unsatisfactory because any space below 8'X8' is not considered open space and I am understanding that an open space cannot be created in a parking space, even if that space is unusable.

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

The open space does not meet the requirements.

Dear members of the Board of Zoning Review,

Back in January of 2019, we applied for an addition on 1015 Duke St and it was approved. Before applying, we worked with our Architect, Salvatore Bendenga, and the city staff members from the architectural as well as zoning departments to see how we would utilize this property as it was zoned commercial CL. After reviewing all of the FAR and Open Space requirements, it was clear that we could not build what we originally would have liked, a residential property. Per the FAR sheet, the calculations determined that we could only build around 10 additional sq ft. Since most of our work is in the City of Alexandria, we decided to purchase the property with the intent to use it as a showroom/office space and we kept the commercial zoning.

Our decision was based on the FAR and Open Space requirements. Our Architect, Salvatore worked with staff members to calculate the FAR and Open Space requirements. After we reviewed the requirements and calculations, we could not extend the house because the FAR and Open Space calculations fell short of the required 40% of Open Space and 75% of FAR. Just recently, I noticed that the FAR and Open Space calculations are incorrect. The FAR and Open Space calculation sheet erroneously adds FAR space to the calculation if "Proposed Open Space" is added. Yes, these are two totally separate calculations and are calculated incorrectly on the city provided document. If the FAR document was filled out without errors, it shows that we would have had plenty of Floor space available to build a house and would have worked with the city staff to correctly have enough Open Space or would have applied for a variance for minimal open space. Because of this error, we did not have the ability to make the correct decision. Due to this error, we are requesting a variance on the open space requirements and to convert the property to residential. As you can see in the attached pictures, 1015 has the most open space on the block. All of the other homes except one have more than exceeded the open space requirements. The house next to us, 1017, which is residential has "0" open space. We built a modest addition and tried to put as much green space as we could. See attached pictures.

I also understand that for Open space purposes, spaces that are less than 8 ft by 8 ft are not counted but this excludes a large portion of the open space especially since the City of Alexandria is full of row houses which are long and thin and have legitimate alley ways in between them. 9 out of the 12 houses on our block have these small side yards. Is there a reason that this law exists? or is it obsolete? If we were to consider the side yard, deck area, and part of the unused driveway (121.5+40+227), we would have more than enough space. We would have a total of 1,067 sq ft of open space and 40% of our total lot sq footage is 929.2. Our driveway is designated for 2 parking spaces but has enough room for a third space or an additional 227 sq ft. This space is not used because it's in front of the gate and the 1017 neighbors' meters are on the side of the house. There should be some law that takes these legitimate items into

consideration. From the beginning we anticipated repaving the driveway because it was cracked and crumbling. We could of added open space when we removed the old cracked cement and repaved the driveway.



PROPERTY OWNER LIST BOARD OF ARCHITECTURAL REVIEW

1015 Duke St.
SUBJECT ADDRESS

074.01 - 08 - 17
TAX ASSESSMENT MAP NUMBER

Adjoining property owner names and addresses can be obtained by visiting the City website at www.alexandriava.gov and following the link to Real Estate Assessments, or by visiting the Office of Real Estate Assessments at City Hall, 301 King Street, Room 2600.

ADJOINING PROPERTY OWNER
NAME & MAILING ADDRESS

TAX ASSESSMENT
MAP NUMBER

| | | |
|------------------|-----------------|---------------------|
| Property Address | 1011 Duke St. | <u>074.01-08-16</u> |
| Owner Name | Steven Saunders | |
| Mailing Address | 1015 Duke St. | |
| City, State, Zip | Alexandria, Va | |

| | | |
|------------------|----------------|---------------------|
| Property Address | 1017 Duke St. | <u>074.01-08-18</u> |
| Owner Name | Helena Choi | |
| Mailing Address | 1017 Duke St. | |
| City, State, Zip | Alexandria, Va | |

| | | |
|------------------|-----------------|-------------------------|
| Property Address | 220 S Henry St. | <u>074.01 - 08 - 22</u> |
| Owner Name | Coal Yard LLC | |
| Mailing Address | 315 Vassar Rd. | |
| City, State, Zip | Alexandria, Va. | |

| | | |
|------------------|----------------------|-------------------------|
| Property Address | 211 S Patrick St. | <u>074.01 - 08 - 08</u> |
| Owner Name | Thomas Fannon Jensen | |
| Mailing Address | PO Box 509 | |
| City, State, Zip | Alexandria, Va 22313 | |

| | | |
|------------------|---------------------------------------|--------------|
| Property Address | 207 S Patrick St. | 074.01-08-06 |
| Owner Name | Virginia Tech Foundation | |
| Mailing Address | Centerville 3914 Centerville Rd. #306 | |
| City, State, Zip | Chandlery, Va 20151 | |

| | | |
|------------------|----------------------|--------------|
| Property Address | 1020 Duke St. | 074.01-14-02 |
| Owner Name | 1020 Duke St. | |
| Mailing Address | 6201 Hillvale Pl. | |
| City, State, Zip | Alexandria, Va 22307 | |

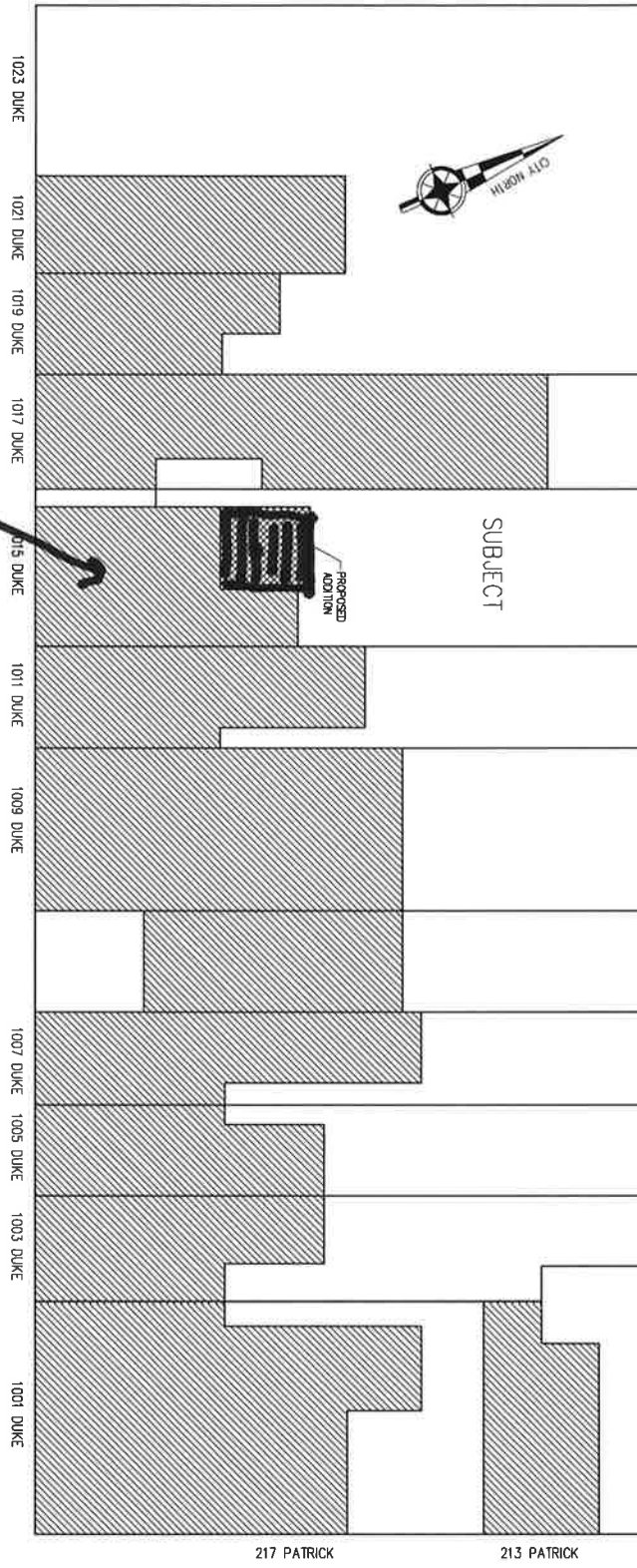
| | | |
|------------------|--|--------------|
| Property Address | 1018 Duke St. | 074.01-14-03 |
| Owner Name | American Society for Horticultural Science | |
| Mailing Address | 1018 Duke St. | |
| City, State, Zip | Alexandria, Va 22313 | |

| | | |
|------------------|-------------------------------------|--------------|
| Property Address | 1016 Duke St. | 074.01-14-04 |
| Owner Name | American Assoc. of Port Authorities | |
| Mailing Address | 1010 Duke St. | |
| City, State, Zip | Alexandria, Va 22314 | |

| | | |
|------------------|--|-------|
| Property Address | | - - - |
| Owner Name | | |
| Mailing Address | | |
| City, State, Zip | | |

NOTE: Applicant to return this copy at least 5 days prior to the hearing to: Department of Planning and Zoning, 301 King Street, Room 2100.

S HENRY STREET



MAKELEY ALLEY

SUBJECT

PROPOSED
ADDITION

DUKE STREET

A PROPOSED BLOCK PLAN
SCALE: 1" = 20'

1015

1015



1011

1017 (0% open space)

Most homes Do not meet the 40%
Open space Rule.



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

B

A. Property Information

A1. 1015 Duke St.
Street Address

R-20
Zone

A2. 2,323
Total Lot Area

x .75
Floor Area Ratio Allowed by Zone

= 0.00 1,742.25
Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area

Basement

First Floor

Second Floor

Third Floor

Attic

Porches

Balcony/Deck

Lavatory***

Other**

Allowable Exclusions**

Basement**

Stairways**

Mechanical**

Attic less than 7'**

Porches**

Balcony/Deck**

Lavatory***

Other**

Other**

B1. 0.00 Sq. Ft.
Existing Gross Floor Area*

B2. 0.00 Sq. Ft.
Allowable Floor Exclusions**

B3. 0.00 Sq. Ft.
Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Comments for Existing Gross Floor Area

B1. Total Gross 0.00

B2. Total Exclusions 0.00

C. Proposed Gross Floor Area

Proposed Gross Area

Basement

First Floor

Second Floor

Third Floor

Attic

Porches

Balcony/Deck

Lavatory***

Other

Allowable Exclusions**

Basement**

Stairways**

Mechanical**

Attic less than 7'**

Porches**

Balcony/Deck**

Lavatory***

Other**

Other**

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)

C1. Total Gross 0.00

C2. Total Exclusions 0.00

D. Total Floor Area

D1. 0.00 Sq. Ft.
Total Floor Area (add B3 and C3)

D2. 0.00 Sq. Ft.
Total Floor Area Allowed
by Zone (A2)

E. Open Space (RA & RB Zones)

E1. 705.875 Sq. Ft.
Existing Open Space

E2. 929.2 Sq. Ft.
Required Open Space

E3. Sq. Ft.
Proposed Open Space

Notes

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

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

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

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

Signature:

13

Date: 11/6/20

*****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.

PROPERTY OWNER NOTIFICATION

PROPERTY OWNER NOTIFICATION: Applicants must send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail **at least ten days** prior to the Board of Zoning Appeals public hearing (not counting the date of the hearing) and **not more than 30 days** prior to the hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred, notification shall be given again.

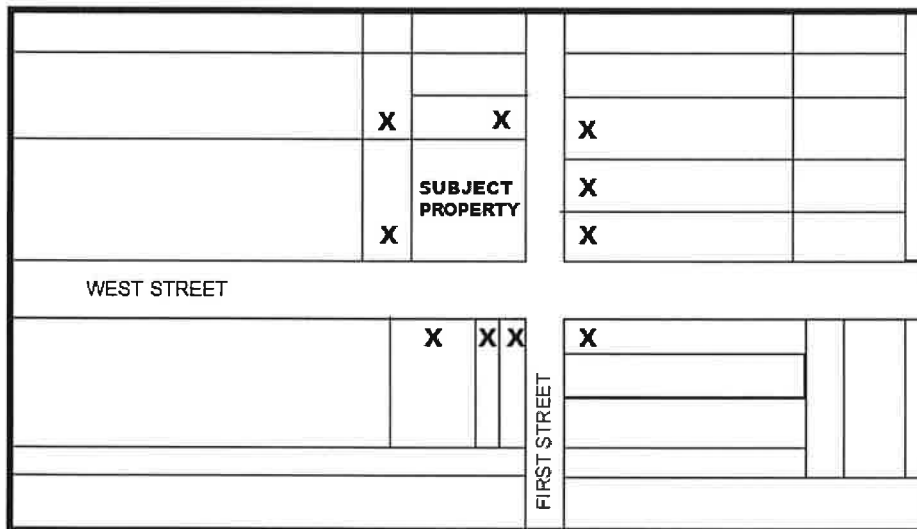
The following notice documents must be submitted to the Department of Planning and Zoning no later than **five calendar days** prior to the public hearing:

1. a copy of the notice letter sent
2. a list of the names and addresses of those persons to whom notice was sent
3. a copy of the post office receipts for the certified or registered mail
4. "Certification of Notice" form found at the back of this application.

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Assessment Office, Room 2600, City Hall, 301 King Street or online at www.alexandriava.gov/city/realestate.

Example diagram of adjoining property owners

X = Property owners to be notified



Sketch showing subject site and property owners to be notified pursuant to Article XI, Section 11-300 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia. This is a sample sketch only and is not to be used as a final authority when sending notice if in doubt, it is advisable to provide notice to additional properties. Contact staff at 703-746-4333 for assistance regarding notice.

NOTE: If inadequate notice is given, the request cannot be heard and will be deferred.

**ZONING ORDINANCE ARTICLE XI,
SECTION 11-300
NOTICE OF PUBLIC HEARINGS**

SECTION 11-301

Required Notice: Except as provided by Section 11-302, written notice, placard notice and newspaper notice shall be given before each public hearing by Planning Commission, City Council, Board of Zoning Appeals, Subdivision Committee or Board of Architectural Review.

A) Written Notice: The applicant shall send by certified or registered mail written notice at least ten and no more than 30 days prior to the hearing. Restricted delivery or return receipt is not required.

1) Recipients of Written Notice: Written notice shall be sent to the property owner, if different from the applicant, and to the owners of all abutting properties. In the case of a condominium, written notice may be mailed or delivered to the president of the board of the condo owner's association instead of to each individual unit owner.

2) Contents of Written Notice: Written notice shall contain the following information:

- (a) the time, date and place of all hearings scheduled; and
- (b) a description of the matter being heard, including the tax map number of the property and the complete street address of the property.

B) Placard and Newspaper Notice: The City staff will provide placard notice and newspaper advertisement. After the public hearing, the applicant may remove and discard the placard(s), or staff will remove the placard within seven days after the hearing.

Applicant to mail this notice by certified or registered mail to adjoining and abutting property owners between 30 and 10 days prior to the hearing.



NOTICE OF PUBLIC HEARINGS

BOARD OF ZONING APPEALS

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the Board of Zoning Appeals on the issues described below.

BOARD OF ZONING APPEALS PUBLIC MEETING DATE: _____

AT
7:00 PM, CITY HALL
301 KING STREET
COUNCIL CHAMBERS, SECOND FLOOR
ALEXANDRIA, VIRGINIA 22314

ISSUE DESCRIPTION:

*Provide Open Space Variance & Rezone to
CL Residential.*

PROPERTY ADDRESS: 1015 Duke St.

TAX ASSESSMENT MAP NUMBER: Map _____ Block _____ Lot _____

As a citizen and party of interest, you are invited to attend the meetings and express your views concerning the above issue. If you have any questions regarding the request, you can reach me at 571-225-7947.

Sincerely,


Applicant Signature

Patrick Jansen
Applicant Printed Name

NOTE: Applicant to return all notice documents at least 5 days prior to the hearing to: Department of Planning and Zoning, 301 King Street, Room 2100.



Staff Only: BZA Case # _____

CERTIFICATION OF NOTICE

BOARD OF ZONING APPEALS

- ☐ SPECIAL EXCEPTION
☒ VARIANCE
☐ APPEAL

TO: DIRECTOR OF PLANNING AND ZONING
301 KING STREET, ROOM 2100
ALEXANDRIA, VIRGINIA 22314

Article XI, Section 11-301(A)(3), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia states:

At least five days prior to the hearing, the applicant shall supply the director with the following notice documents:

1. a copy of the notice sent
2. a list of the names of those persons to whom notice has been given
3. copies of the post office receipts for registered or certified mail
4. a certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.

The applicant shall use the records and maps maintained by the city's office of real estate assessments to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of this section 11-301(A).

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required pursuant to Article XI, Section 11-301(A)(3) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia, was sent to the attached list of property owners concerning the following issue on (DATE) _____.

PROPERTY ADDRESS: 1015 Duke St.

ISSUE DESCRIPTION:

Variance on Open Space.

PJF
Signature

571-225-7947
Telephone

Patrick Jansen
Print Name

11/6/20
Date

NOTE: Applicant to return all notice documents at least 5 days prior to the hearing to: Department of Planning and Zoning, 301 King Street, Room 2100.



Gregg Fields
Director

DEPARTMENT OF CODE ADMINISTRATION

301 King Street
Room 4200
Alexandria, Virginia 22314

Phone (703) 746-4200
Fax (703) 549-4589
alexandriava.gov

April 13, 2021

Colonel William Carle USAF, Ret.
1017 Duke Street
Alexandria Virginia 22314

RE: 1015 Duke Street Addition

Mr. Carle,

First, I want to say thank you sincerely for your service to our country. I have great respect for fellow Veterans, and enjoyed our conversation regarding your service history. Our team has investigated your concerns related to the construction project at 1015 Duke Street and thank you for bringing them to our attention. We appreciate and understand your position. We apologize for the delay in responding as we conducted an in-depth review of all information available for compliance with the Uniform Statewide Building Code. We provide the following response to the issues raised in your communications to Mayor Wilson and to our office.

No Excavation Permit- No separate excavation permit is required to excavate, as the work was part of an active construction site under a valid permit. Notification should have been provided by the owner to the adjacent owners and we find no evidence that it was provided.

Underpinning was not fully inspected - All inspections of the basement underpinning were performed by staff and or approved by a registered design professional engineer licensed in Virginia as required.

Wall Check Survey vs. Physical Measurement of Exterior Wall - A wall check survey (as required by Planning and Zoning) was performed by a registered professional surveyor/engineer. Planning and Zoning received the wall check and it has been accepted. The wall check indicates that the wall is at 3.1 feet from the property line. No other survey has been provided to refute this information.

Damage to 1017 Duke Foundation - In reference to comments related to your foundation, we reviewed the photographs that were graciously provided, and they do not support the position that your foundation was undermined or damaged. While excavation did occur adjacent to your foundation wall, there is no indication that excavation occurred at or below the level of your footing. There is no specific evidence of foundation damages presented that would be in violation and our inspection team never witnessed any damages to your foundation while on site. We also reviewed the engineering report provided by Deska Services. Most of the information contained in this document was answered in the site visit and response from Transportation and Environmental Services, as it relates to how site water is handled. Regarding the foundation comments, the engineer qualified his recommendations to add waterproofing to the existing foundation by including that the recommendations: *are limited to the condition of the structure at the time of the evaluation and are opinions based on visual evidence of*

readily accessible areas. However, the foundation was not visible at the time of his site visit as the backfill was already in place. Further, no complete waterproofing nor dampproofing method appears to have existed.

Water in 1017 Duke Crawlspace -During our conversations you stated that your unfinished crawlspace did have water in April 2020 and again in August of 2020. The incident in April appears to coordinate with the timeframe in which the contractor continuously discharged the sump water directly against your foundation wall. We believe this was the reason for the water intrusion into your crawlspace. We understand that when the sump discharge location was corrected, the water intrusion was abated. While we don't know the nature or extent of the water found in August, you stated that there have been no leaks since that time (August 2020). On March 2, 2021 you confirmed the above again during our site visit and the area was dry during our visit. Therefore, given the information provided, we find no violations of the Virginia Uniform Statewide Building Code at this time. Please notify us if the leak were to return.

The Department of Transportation and Environmental Services (TES) responded to your concerns related to the sump discharge and roof and rear yard surface water. They approved the solution provided.

All matters dealing with contractors licensing is regulated by the Virginia Department of Occupational Regulation (DPOR) in cooperation with the City. We are looking into the issues of contractor licensing and will forward any findings to DPOR for disposition.

Let me assure you that we objectively reviewed this case in preparing this response.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gregg Fields', with a stylized, overlapping flourish at the end.

Gregg Fields
Director

cc: Chris Evans, Deputy Director, Code Administration

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 4, 2021

TO: PLANNING COMMISSIONERS

FROM: KARL W. MORITZ, DIRECTOR
DEPARTMENT OF PLANNING & ZONING

SUBJECT: 1015 DUKE STREET SUP2020-00106 BACKGROUND CLARIFICATIONS

A letter was submitted to the Planning Commission on Wednesday, April 28 by Minturn Wright, an attorney representing William Carle and Helena Choi (residents at 1017 Duke Street) and Kumar Patel (resident at 1011 Duke Street). The letter focused on the fact that Patrick Jansen, the applicant for SUP2020-00106 and property owner of 1015 Duke Street, was aware that the addition done to his building in 2019 would result in the property being restricted to commercial use.

Staff would like to provide some additional history on the property and clarify a few points made in the letter.

The CL zone allows both residential and commercial uses, but in order to use a property residentially the property must comply with the area and bulk requirements. On December 10, 2018, the then-property owners Maureen and Steven Saunders requested and were approved for a variance at 1015 Duke Street from the required front yard setback to revert the building from commercial to residential. The lot and building at 1015 Duke Street complied with all other CL zone and parking requirements for a dwelling.

On December 17, 2018, Patrick Jansen, as a contract purchaser for 1015 Duke Street, submitted an application to the Board of Architectural Review (BAR) requesting approval for a rear addition. The case was heard on January 16, 2019 and the BAR approved the rear addition, which complied with the CL area and bulk requirements for a commercial use. The staff report included a zoning comment that stated “the building will continue to be used commercially. The proposed addition will negate the recent variance [from December 10, 2018] which approved a reduction to the required front yard setback if the building was to be used residentially. While open space is not required for commercial uses, the proposed addition would reduce the required open space for a residential use beyond what is required.” Patrick Jansen said on record during

the meeting that he understood the zoning comments to mean the building would have to remain commercial.

It is important to clarify that the zoning comments did not mean that the BAR's approval had a condition stating that the property could never again be used residentially, just that the addition would result in the property being deficient in the open space required for residential use. Because the addition decreased the open space below the required 929.28 square feet, the applicant lost his by-right ability (per Section 12-101(B)) to revert to residential, which is why he now needs the SUP to revert to residential. Therefore, the 2019 addition did negate the December 2018 BZA variance approval, but the 2019 addition did not remove the applicant's ability to apply for future SUPs, variances, or special exceptions for the residential reversion of the property.

Despite this property's complex case background, staff still recommends approval of this SUP as the request is straight-forward and consistent with similar residential reversions the City has approved in recent years. For example, in 2019, SUP2018-00104 was approved for 1011 Duke Street, next door to the subject property. That SUP allowed for a one-space parking reduction, a front setback modification to allow for 0.70-foot setback, lot size and frontage modifications, and a modification to allow for 16.3% open space instead of 40% open space.

In response to other points introduced in Mr. Wright's letter, a building permit for the rear addition was issued on June 24, 2019. BAR staff has confirmed the rear addition matches what was approved by the BAR, including the windows mentioned in Mr. Wright's letter.

Extensive communication has happened between William Carle and City staff; a letter dated April 13, 2021 from Greg Fields, Code Administration Director, to Mr. Carle outlining some of this communication was submitted to the Planning Commission on Thursday, April 29, 2021. Code Administration and Transportation and Environmental Services staff have investigated the complaints that Mr. Carle has filed against Mr. Jansen and have found there was no proof of damage to the foundation at 1017 Duke Street, a separate excavation permit was not required, a wall check was submitted, the underpinning was inspected, the sump pump is discharging to the correct location and they found no violations of the Virginia Uniform Statewide Building Code.

Lastly, staff confirmed that the applicant met the BAR notification requirements of BAR2019-00571/00579, as a United States Postal Service Certified Mail receipt was submitted showing notification was sent to the neighbor at 1017 Duke Street.

As a follow-up to a commissioner's question during last week's briefings, staff has reviewed the Floor Area Plans again and found the property is below the maximum net 0.75 FAR allowed for the property.