



**DOCKET ITEM #6**  
**Special Use Permit #2024-00041**  
**404-A East Alexandria Avenue**

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Application	General Data	
Public Hearing and consideration of requests for Special Use Permits to construct a single-unit dwelling on a vacant substandard lot and for a lot without frontage on a public street	<b>Planning Commission Hearing:</b>	November 7, 2024
	<b>City Council Hearing:</b>	November 16, 2024
<b>Address:</b> 404-A East Alexandria Avenue	<b>Zone:</b>	R-2-5/ Residential
<b>Applicant:</b> Eric Teran and Daniela Gross	<b>Small Area Plan:</b>	Potomac West

**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes, ordinances, and the recommended permit conditions found in Section III of this report.

**Staff Reviewers:** Rachel Drescher, [rachel.drescher@alexandriava.gov](mailto:rachel.drescher@alexandriava.gov)  
 Sam Shelby, [sam.shelby@alexandriava.gov](mailto:sam.shelby@alexandriava.gov)

**CITY COUNCIL ACTION, NOVEMBER 16, 2024:** City Council denied the special use permit for this project.

**PLANNING COMMISSION ACTION, NOVEMBER 7, 2024:** On a motion made by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission moved to recommend approval of SUP #2024-00041. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with staff analysis.

**Discussion:** Commissioner Brown confirmed with staff that the applications were eligible for SUP review.

Commissioner Koenig spoke in support of the request and agreed with staff analysis that the proposal met the SUP criteria. He pointed out that the applicant has made significant changes to the proposal in response to the neighbors' concerns, including removing the ADU and changing the architectural design. Additionally, he noted all the examples provided by staff and the applicant that show how other developed lots without frontage in the city can exist compatibly and successfully, including lots without frontage that located near the subject property. He appreciated the applicants' additional outreach and felt all issues had been resolved.

townhouses that do not have frontage and are able to function safely and compatibly with the neighborhood.

Commissioner Brown spoke in support of the request, finding all objective standards for the approval had been met.

Chair Macek support in support of the request, highlighting that the SUP process led to a more compatible project than the previous design.

Speakers:

Matthew Kaim, 1413 Mount Vernon Avenue, spoke in opposition to the request. He did not feel the criteria were met for approval, citing concerns that the vacated land was not being included in the proposal, property values would decrease, vehicular and pedestrian traffic would increase, fire access would be limited, and flooding would occur as a result of the development.

Mark Lim, 1407 Mount Vernon Avenue, spoke in opposition to the request. He raised questions as to what a substantial change was and felt the adjacent townhouse lots should not be used to evaluate the eligibility of this request to be considered.

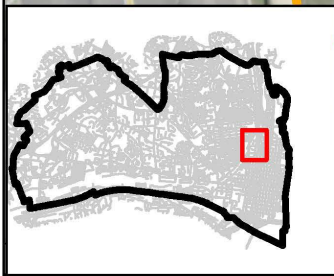
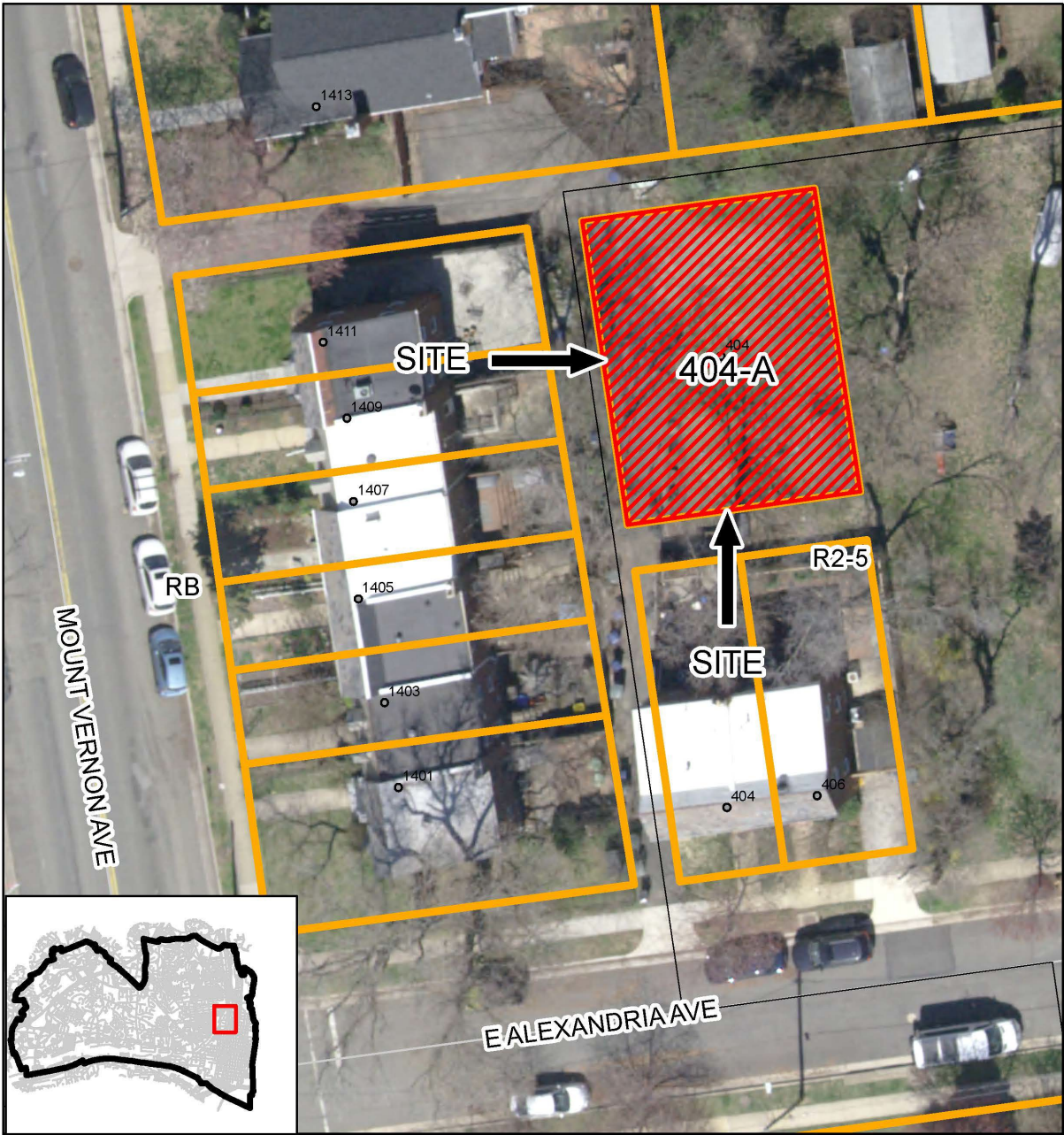
Brett Rice, 408 East Alexandria Avenue, spoke in opposition to the request. He stated that staff did not apply the Zoning Ordinance correctly, considering the lot does not have frontage, and claimed that all other lots without frontage were developed by-right.

Angela Rice, 408 East Alexandria Avenue, spoke in opposition to the request. She stated that the Zoning Ordinance requires the lot to have complying in width and size to be eligible for an SUP for a lot without frontage and that the subject property is an illegal lot. She stated that staff should be objective, and this application was not handled properly.

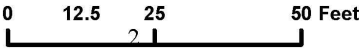
Jason Plosch, 404 East Alexandria Avenue, spoke in opposition to the request. He stated that the applicant did not make substantial changes, the lot is not eligible to be considered for SUP, and staff cherry-picked examples other lots without frontage in the City. He also had concerns about the timing of the SUP and vacation.

Alicia Montgomery, 406 East Alexandria Avenue, spoke in opposition to the request. She stated concerns that the new proposal did not have substantial enough changes from the last application to be reconsidered within six months. She claimed that the application did not meet the eligibility requirements of 12-402 because the lot did not have street frontage. She also has concerns about emergency access.

Eric Teran, applicant, spoke in support of the request, outlining how the project met the SUP criteria. He explained the outreach that he completed, the conversations with the neighbors, and how the project evolved to the current design in response to City Council and the neighbors' concerns.



**SUP#2024-00041**  
**404-A E Alexandria Avenue**



## I. DISCUSSION

The applicants, Eric Teran and Daniela Gross, request Special Use Permit (SUP) approvals to develop a single unit dwelling on a vacant, substandard lot without street frontage at 404-A East Alexandria Avenue. The existing lot is substandard as it does not meet the R-2-5 zone’s minimum lot area and lot width requirements.

### SITE DESCRIPTION

The Zoning Ordinance classifies the subject property at 404-A East Alexandria Avenue as a vacant, substandard lot of record without street frontage. The lot has a rectangular shape and measures approximately 59 feet (along its east and west lot lines) by 45 feet (along its north and south lot lines). It has a lot size of 2,662 square feet. 10-foot-wide alleys run along the north, west and south lot lines of the subject property. A portion of unimproved City right-of-way (ROW) abuts the subject property to the east. Single unit, two unit, and multi-unit dwellings coexist within the same block. Figure one, below, shows the subject property.



*Figure 1 - Subject Property (vacant lot)*

### BACKGROUND

The subject property was created by a re-subdivision of a portion of Block 10 of the “Park Addition to Alexandria” subdivision in 1938. Aerial imagery dating back to 1937 shows that the subject property has been continuously vacant since its creation. In 2013, vacation request (VAC #2013-00001) was submitted to vacate a portion of the right-of-way adjacent to the subject property. It was subsequently withdrawn. On March 12, 2024, City Council denied a previous SUP application to develop the subject property.

On September 14, 2024, City Council approved a vacation of the public right of way to the east of the subject property to be split between the adjoining property owners.

Because the consolidation of the adjoining land would create a new lot of record, making the applicant ineligible to apply for an SUP to develop an existing substandard lot, the application does not include this area of land.

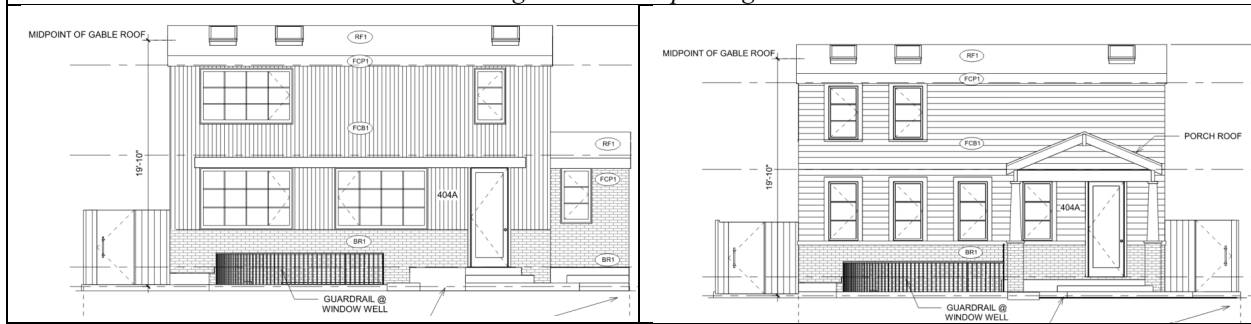
PROPOSAL

The applicants request SUP approvals to develop the subject property with a two-story dwelling. The proposed dwelling would have approximately 1,100 square feet of net floor area and would measure 19.83 feet in height from average pre-construction grade to the midpoint of the dwelling’s gable roof.

The applicants’ have changed the previous contemporary architectural style. The new design would have a predominately Colonial Revival style with a small front porch, a low-pitched side facing gable, symmetrical window placement, and rectangular massing. The front porch would also incorporate Craftsman style tapered porch columns. The windows would have a contemporary feel with three divided lites. Figures two through five, below, show the proposed elevations as they compare to the previous application. The applicant has removed the accessory dwelling unit from their proposal.



*Figure 2 - Concept design*



*Figure 3 - North Elevation (Front)*



Figure 4 – South Elevation (Rear)

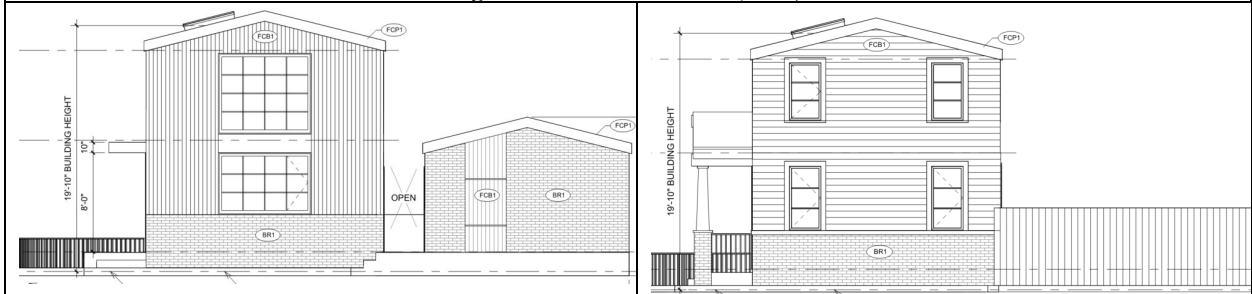


Figure 5 - West Elevation (Side)

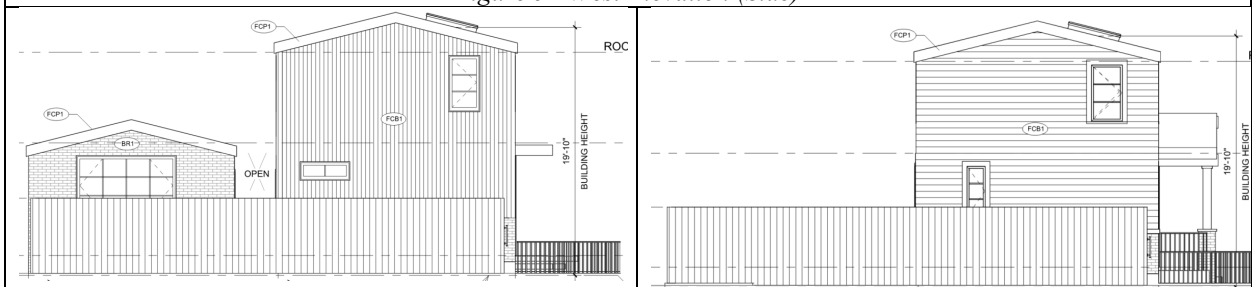


Figure 6 - Elevation (Side)

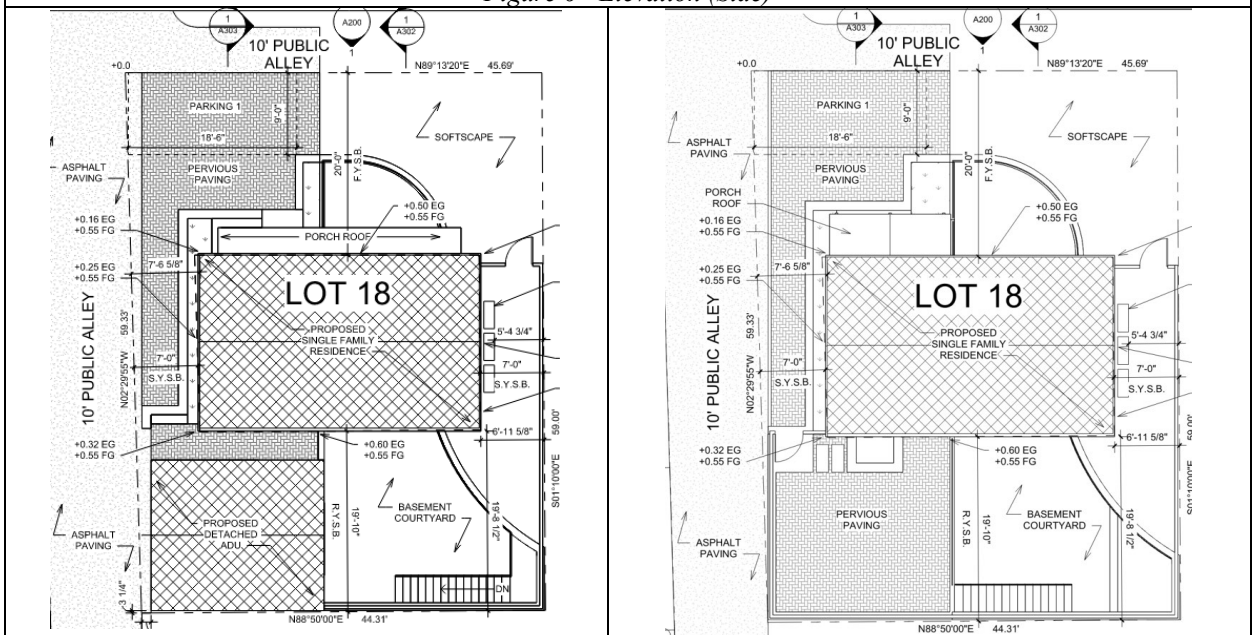


Figure 7 - Site Plan

The dwelling would measure approximately 30.67 feet by 19.17 feet with a footprint of about 655 square feet, including the front porch which has been reduced in length and expanded in depth. It would provide a front yard of 20 feet; a west side yard of 7.0 feet; an east side yard of 7.0 feet; and an increased rear yard setback from zero feet to 19.83 feet with the removal of the ADU. Figure 7, below, shows the previous and current proposed site plan.

The site currently contains no trees nor landscaping. The applicants propose a Black Gum tree in the front yard of the property.

#### PARKING

The property is located within the enhanced transit area. As such, Zoning Ordinance section 8-200(A)(1) requires no off-street parking spaces for the proposed single-unit dwelling.

#### ZONING

The subject property is zoned R-2-5/Residential. For single unit dwellings, the R-2-5 zone requires a minimum lot size of 5,000 square feet. The zone also requires the lot to be at least 50 feet wide and have at least 40 feet of frontage on a public street. The subject property has a lot size of 2,662 square feet and is 45 feet wide.

On September 14, 2024, City Council approved a vacation of the public right of way to the east of the subject property to be split between the adjoining property owners. As a result of this decision, Section 12-401 no longer applies. However, since the land is not a lot of record, Section 12-402 does apply.

Given that the subject property is zoned R-2-5, was a lot of record prior to September 1988, and does not meet the R-2-5 zone's minimum lot size nor lot width requirements, Zoning Ordinance section 12-402 applies and states:

Notwithstanding the provisions of section 12-401, a substandard lot which complied with the provisions of this ordinance or other prior law in effect on the date such lot was recorded, and which has continuously been of record since such date, may be developed only with a residential use in compliance with the zone where it is situated, subject to the following provisions:

- (A) No person has, at any time from and after September 16, 1988, held any present or future freehold estate, except as trustee only, or any equitable interest of like quantum, or held any interest as contract purchaser, in the substandard lot and in any contiguous undeveloped or unimproved lot of record; and
  - (1) The substandard lot contains at least the lot area, and has at least the lot width at both the front lot line and front building line, as exhibited by more than 50 percent of the developed lots on the block face in which the substandard lot is located; or
  - (2) The substandard lot contains at least 90 percent of the minimum lot area, and 90 percent of the required lot width at both the front lot line and front building line, as required by the zone in which the substandard lot is located; and

- (B) A special use permit is granted under the provisions of section 11-500; and
- (C) City council, upon consideration of the special use permit, finds that the proposed development will not unreasonably impair an adequate supply of light and air to adjacent property, will not diminish or impair the established property value in the surrounding areas, and will be compatible with the existing neighborhood character.
- (D) Where the location of a substandard lot is such that the minimum number of lots or the minimum length of street frontage herein specified for a block face as defined in this ordinance is not present, the director may designate an appropriate block face for such substandard lot, if any there be, without regard to intersecting streets, subject to city council approval as part of the special use permit granted pursuant to this section 12-402. Where the street frontage, on either side of a street, within a block face contains more than 30 lots or is greater than 1,200 feet in length, as measured along the front lot lines, the director shall designate an appropriate block face comprised of the closest and most appropriate 30 lots or 1,200 feet lot frontage, whichever is less, on each side of the street, subject to city council approval as part of the special use permit granted pursuant to this section 12-402.

Section 12-402(A) requires the vacant substandard lot to meet an eligibility test to determine whether the substandard lot is similar to other developed lots on the same block. Section D states that the director may designate an appropriate block face for a substandard lot where the minimum number of lots is not present. A zoning guidance memo dated January 4, 1995 outlines the factors to be used in determining block face in the following order of priority until there are 10-20 lots:

- 1) Lots on the same face as the subject lot and lots on the block face across the street from the subject lot
- 2) Other lots on the same block touching the subject lot
- 3) Lots on the same street within line of sight of the subject lot (i.e. the midpoint of the front lot line)
- 4) Lots on the same block as subject lot but within line of sign of the rear lot line of the subject lot
- 5) Lots on the same street as the subject lot located in adjacent blocks

Based on these criteria, Table 1 exhibits the properties determined to be block face for the subject property. The subject property meets these criteria because the lot contains the lot area and lot width as exhibited by more than 50 percent of the developed lots on the block face, as shown in Table 1.

*Table 1 – 50 Percent Eligibility Test*

	Address	Lot Area	Lot Width
1	405 E Nelson Ave	7,830	50'
2	407 E Nelson Ave	7,800	50'
3	1413 Mount Vernon Ave	5,225	52.3'
4	1411 Mount Vernon Ave	1,910	27.3'
5	1409 Mount Vernon Ave	1,222	17.5'
6	1407 Mount Vernon Ave	1,222	17.5'
7	1405 Mount Vernon Ave	1,222	17.5'
8	1403 Mount Vernon Ave	1,222	17.5'
9	1401 Mount Vernon Ave	2,258	32.3'
10	404 E Alexandria Ave	1,070	17.8'
11	406 E Alexandria Ave	1,550	25.8'
12	408 E Alexandria Ave	9,600	75.0'
Subject property	404-A E Alexandria Ave	2,662	45.0'

Out of the 12 lots in the block face, 8 lots have less than 2,662 square feet in total lot area and lot width (67 percent).

Since the vacant lot meets the eligibility criteria listed in Section 12-402(A)(1) and because the subject property is surrounded by alleys and unimproved right-of-way, it does not have any “contiguous undeveloped or unimproved lot of record”; thus, Section 12-402(A) is met. Therefore, City Council may consider a SUP request for development of the subject property with a single-unit dwelling. In order to approve the SUP, City Council must find that the proposal meets the requirements of Sections 11-500 and 12-402(C).

The subject property also has no street frontage. Zoning Ordinance section 7-1007 allows for lots without frontage on a public street to be developed with SUP approval.

The existing lot and proposed dwelling would meet all other zoning requirements. The following table provides a summary of all zoning regulations as they pertain to the subject property and proposed dwelling:

Table 2 – Zoning Analysis

	<b>Required</b>	<b>Proposed</b>
<b>Lot Area</b>	5,000 Sq. Ft.	2,662 Sq. Ft.*
<b>Lot Width</b>	Min. 50.0 Ft.	45.0 Ft.*
<b>Lot Frontage</b>	Min. 40.0 Ft.	0 Ft.
<b>Front Yard</b>	Min. 20 Ft.	20 Ft. (Main Building) 15.42 Ft. (Open Porch)
<b>Side Yard (East)</b>	7.0 Ft. (Main Building) (1:3 height to setback ratio, 7 Ft. min.)	7.0 Ft. (Main Building)
<b>Side Yard (West)</b>	7.0 Ft. (Main Building) (1:3 height to setback ratio, 7 Ft. min.)	7.0 Ft. (Main Building)
<b>Rear Yard</b>	19. Ft. (Main Building) (1:1 height to setback ratio, 7 Ft. min.)	19.83 Ft. (Main Building)
<b>Net Floor Area</b>	1,197 Sq. Ft. 0.45 Floor Area Ratio (FAR)	1,100.50 Sq. Ft. 0.45 Floor Area Ratio (FAR)
<b>Height</b>	Max. 30.0 Ft. (Main Building)	19.80 Ft. (Main Building)
<b>Threshold Height</b>	Max. 2.50 Ft.	1.58 Ft.

\*Deficiency resulting in a substandard lot

MASTER PLAN DESIGNATION

The proposed residential use is consistent with the Potomac West Small Area Plan which designates this area for medium-density residential development.

**II. STAFF ANALYSIS**

Staff supports the applicants’ revised proposal as it meets the criteria as required by Zoning Ordinance Section 11-504 and 12-402, the proposed development would not adversely affect health and safety or public welfare impact, conforms with the master plan, would not impact light nor air supply to adjacent properties, diminish nor impair property values, and would be compatible with the existing neighbor character in terms of height, bulk, and design.

HEALTH, SAFETY, AND PUBLIC WELFARE

Staff does not anticipate any health, safety, or public welfare impacts, considering the proposed residential use complies with the bulk regulations of the R-2-5 zone and the residential use is consistent with the surrounding residential uses. Light and air impacts, which are health and public welfare related, are addressed in the following section.

### LIGHT AND AIR

The proposed design of the new dwelling would meet the required side, rear, and front yard setbacks established by the R-2-5 zone, providing adequate light and air to the adjacent parcels. The side yards would be comparable or larger than the side yards of the semi-detached dwellings at 404 and 406 East Alexandria Avenue. In addition, the applicant removed the ADU from the site, increasing the rear yard setback from zero to 19.83 feet. The property is surrounded by alleys and public right-of-way, which provide further setback from the adjacent properties.

### PROPERTY VALUES

The City's Real Estate Department assessed the property as a vacant lot with no building valuation. The development of a new dwelling on the vacant lot would increase the assessed value for the property. This would increase the assessed value of comparably sized properties in the neighborhood. The new infill construction will not adversely affect surrounding property values.

In 1974, the City amended the Zoning Ordinance to require SUP approval for development of substandard lots. Related to property values, staff found:

As available vacant land grows more scarce in the City, these substandard lots will become prime targets for development of small homes, which could conceivably be fifteen (15) feet wide or less. Such narrow single-family homes would in most cases be aesthetically unattractive and certainly would be incompatible with the neighborhood, especially in those older areas of the City containing large older homes. Construction of these narrow single-family dwellings could create a negative impression on the neighborhood and cause property values to decline.

In this case, the proposed dwelling would be as wide or wider than the townhouses to the west and semi-detached dwellings to the south. Further, it would be similar in size and width to the existing single-unit dwelling at 420 East Alexandria Avenue. Given that the proposed dwelling would not be an outlier in terms of size or width as compared to the surrounding dwellings and neighborhood, the proposal would not impact on property values.

HEIGHT

Staff finds the proposed dwelling to be compatible with neighborhood character in terms of height. In this case, the heights for all adjacent houses surrounding the parcel were examined (Figure 8). The height of the dwellings on these properties, as measured to the roof ridgeline, is shown in Table 2.

Staff finds the height of the proposed two-story dwelling to be compatible with the neighborhood, overall. The 1400 block of Mount Vernon Avenue and 400 block of East Alexandria Ave, which contains the subject property includes a mix of one and two-story single-family dwellings as well as two story semi-detached, multifamily and townhouse dwellings. The proposed dwelling would be one of the shorter dwellings that surround the subject property.

BULK

Staff finds the applicants’ proposal compatible with neighborhood character in terms of bulk. The proposed dwelling would be of similar size or smaller in terms of mass and scale than a majority of the other buildings within the block. The dwelling is also surrounded by alleys on three sides of the lot and public right of way on the fourth side, providing additional distance from other surrounding dwellings, further reducing the visual impact of the modest dwelling. In addition, the applicant is no longer proposing an ADU, reducing the visual bulk of building on the lot by 330 square feet.

The smaller lot size necessitates a smaller and shorter dwelling. The proposed floor area of the dwelling is comparable to the surrounding townhouses and semi-detached dwellings. Table 3 shows the proposed Floor Area Ratio (FAR) as compared with the surrounding dwellings.

*Table 2 – Dwelling Heights*

Address	Height of roof ridge
1413 Mt Vernon Ave	16.75 Ft.
<b>Proposed Dwelling at 404-A E. Alexandria Ave</b>	<b>21.02 Ft.</b>
1403 Mt Vernon Ave	25.92 Ft.
1409 Mt Vernon Ave	25.92 Ft.
<b>Average Height</b>	<b>26.96 Ft.</b>
1401 Mt Vernon Ave	27.92 Ft.
1405 Mt Vernon Ave	27.92 Ft.
1407 Mt Vernon Ave	27.92 Ft.
1411 Mt Vernon Ave	27.92 Ft.
404 E. Alexandria Ave	27.92 Ft.
406 E. Alexandria Ave	27.92 Ft.
408 E. Alexandria Ave	33.50 Ft.

*Table 3 – Gross FAR of surrounding dwellings*

Address	Gross FAR
405 E Nelson Ave	0.17
1413 Mount Vernon Ave	0.28
1401 Mount Vernon Ave	0.38
407 E Nelson Ave	0.38
408 E Alexandria Ave	0.39
<b>Subject property</b>	<b>0.41</b>
1411 Mount Vernon Ave	0.45
406 E Alexandria Ave	0.56
1403 Mount Vernon Ave	0.70
1407 Mount Vernon Ave	0.70
1409 Mount Vernon Ave	0.70
404 E Alexandria Ave	0.79

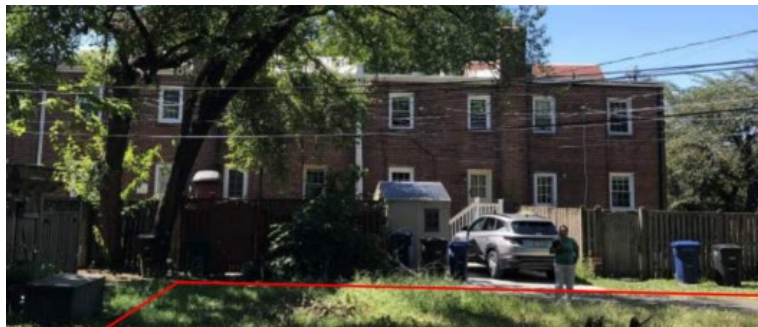
## DESIGN

Staff finds the proposed design to be compatible with the established neighborhood character. City Council, Del Ray Civic Association, and the neighbors expressed concerns about the previous contemporary architectural design of the dwelling. The applicant adjusted the design of the architecture of the house to an “Eclectic Colonial Revival” style dwelling that draws from architectural characteristics in Del Ray neighborhood. This includes its simple rectangular form, side-gable roof, and small entry porch. The design would also incorporate a Craftsman element with tapered porch columns, which are common in the Del Ray neighborhood. The design would fit well with the varied architecture along the 400 block of East Alexandria and 1400 block of Mount Vernon Avenues as well as the wider Del Ray neighborhood. Further, the house would be minimally visible from both Mount Vernon Avenue and East Alexandria Avenue and would not impact the streetscape.

Examples of rectangular structures:



West Windsor Avenue



Rear of townhouses on Mount Vernon Avenue

Examples of side gable and low-pitch roofs:



East Howell Avenue



East Alexandria Avenue



East Windsor Avenue

Examples of small entry porches in Del Ray:



Mount Vernon Avenue



East Howell Avenue



East Luray Avenue

The Del Ray Pattern Book states the following regarding infill development:

“Building heights, roof shape and slope, yard setbacks, front porches, and the pattern of windows and doors on surrounding houses can provide direction and inspiration. New construction should be designed to reflect the existing development pattern by integrating these visual qualities and features. **However, new construction should be a product of its own time and not an exact replica of a historic building.** Taking cues from the existing houses, the use of subtle variations in materials and features, or the use of new materials in a similar manner, can achieve a contemporary design that is compatible with the existing building, in the case of an addition, or neighborhood.” (pg. 50 of Del Ray Pattern Book)

While new development should draw on common architectural characteristics of the Del Ray neighborhood, the area is defined by diverse architectural styles and design. As such, new development in Del Ray should reflect a unique design that incorporates common architectural elements within the neighborhood.

Regarding the smaller lot size, while not a requirement of the Zoning Ordinance, staff does find the lot to be compatible in terms of size of the surrounding development, as shown in Table 3 below, and while this would be one of the smaller lots in Del Ray developed with a single unit dwelling, there are other examples of single unit dwellings in Del Ray on small lots as shown in Table 4.

Table 3 – Surrounding lot sizes

Address	Lot size (square feet)
404 E Alexandria Ave	1,070
1403 Mount Vernon Ave	1,222
1405 Mount Vernon Ave	1,222
1407 Mount Vernon Ave	1,222
1409 Mount Vernon Ave	1,222
406 E Alexandria Ave	1,550
1411 Mount Vernon Ave	1,910
1401 Mount Vernon Ave	2,258
<i>Subject property</i>	2,662
<i>Average</i>	1,593
1413 Mount Vernon Ave	5,225
407 E Nelson Ave	7,800
405 E Nelson Ave	7,830
408 E Alexandria Ave	9,600

Table 4 – Single unit dwellings on substandard lots under 3,500 square feet in Del Ray

Address	Lot size (square feet)
3 W Mount Ida Ave	1,332
2602 Commonwealth Ave	1,489
510 E Mount Ida Ave	1,881
1717 Price St	2,504
409 Clifford Ave	2,625
405 Clifford Ave	2,625
<i>Subject Property</i>	2,662
3333 Helen St	2,800
104 E Oxford Ave	2,875
113 E Del Ray Ave	2,875
111 E Del Ray Ave	2,875
214 E Windsor Ave	2,875
518 E Howell Ave	2,875
516 A E Howell Ave	2,875
16 Leadbeater St	2,938
107 E Custis Ave	3,013
201 Clifford Ave	3,030
213 E Raymond Ave	3,030
218 E Custis Ave	3,105
420 E Alexandria Ave	3,150

In addition to the overall small size of the dwelling, the low-pitched roof would reduce the dwelling’s perceived height and bulk. Also, unlike typical dwellings with basements that are only partially below grade, the proposed dwelling’s basement would be fully below grade, which hides its bulk from view. Having the first floor so close to the actual grade level reduces the overall building height. Any amount of the basement above grade would make the dwelling seem larger visually because its height would be taller. Overall, the proposed dwelling’s size, height, and design features would mimic the appearance of an accessory building. The proposed dwelling would therefore fit on this challenging site without changing the essential character of the neighborhood.

Regarding which yard would be considered the subject property’s front yard, staff found the proposed orientation to be compatible with the surrounding properties. Without exception, the dwellings that surround the subject property are located on rectangular lots with their front yards placed along one of the short sides of the lot. The proposed design would mirror this configuration. Also, the proposed design orients the rear of the dwelling toward the rear of the dwellings along East Alexandria Ave, and one side yard toward the rear of the dwellings along Mount Vernon Avenue. The front yard orientation facing the alley is appropriate given it currently provides vehicular access is already being used for the existing dwelling at 1413 Mount Vernon Avenue.



*Figure 7 – Aerial showing orientation of existing buildings*

Staff has included further design analysis with regard to the subject property’s lack of public street frontage in the following section.

#### LOT WITHOUT FRONTAGE

The purpose of public street frontage is to ensure that a lot can be accessed from a public right-of-way and to guarantee that utilities could serve the lot. When a lot has no frontage, the SUP process enables City Council to review whether a proposed development can still provide sufficient access despite its lack of frontage if it meets the SUP criteria under Zoning Ordinance Section 11-500. In this case, staff finds this lot to have sufficient access and meets the SUP criteria as outlined in this report. Additionally, the alley connecting the subject property to Mount Vernon Avenue would provide sufficient access to the subject property. At 10 feet wide, it meets the minimum width requirement for vehicular access, including construction vehicles. Finally, the alley is improved and is currently utilized by adjacent neighbors to provide vehicular access to their properties.

It is important to note that while most lots within the City have public street frontage, there are lots that face alleys or private streets, which lack public street frontage. Some examples of lots with insufficient frontage approved for development include Pickett’s Ridge (approved 2004), 104 and 106 North Quaker Lane (approved 2004), Dartmouth Court (approved 1989), Sanborn Place (approved 1996), 1115 Yeaton Alley (approved 1999), and 913 Cameron Street (approved 1989) as shown below.



Pickett's Ridge



102 and 104 N Quaker Lane



Dartmouth Court



Sanborn Place



### *Lack of street frontage*

Lots that do not have street frontage are not common, but they are not unprecedented within the City. As described above, street frontage provides access to a property. The applicant provided several examples of properties without street frontage or pipestem lots that have been developed with access through either an alley or easement.

### *Emergency access*

Emergency vehicle access is required within 100 feet of a dwelling's main entrance. The entrance of the proposed dwelling is roughly 107 feet from Mount Vernon Avenue. The applicants would be required to request a code modification through Code Administration during the building permit process and provide further fire protection to the dwelling to the satisfaction of the Fire Department and Code Administration. The Fire Department and Department of Code Administration would ensure that all life safety requirements are met under any future building permit reviews. SUP approval would not preclude necessary improvements or changes to the building or site to ensure life safety requirements are met.

### *Alley paving*

The neighbors expressed concern about the impact the alley re-paving would have on trees. Currently, the asphalt is located on the subject property, and staff proposes a condition that adjacent alleys must be realigned and paved to the satisfaction of the director. This condition is to ensure the alleys are maintained in good condition for access to the rear of the adjacent dwellings and for city to collect trash. Repaving the asphalt to be within the alley boundaries would impact the trees that are partially located in the alley, and the applicant and city would work with the neighbors if safe removal of the trees is necessary.

### *Stormwater management*

The neighbors expressed significant concern that stormwater management requirements would not be effective as flooding is already a significant issue for them.

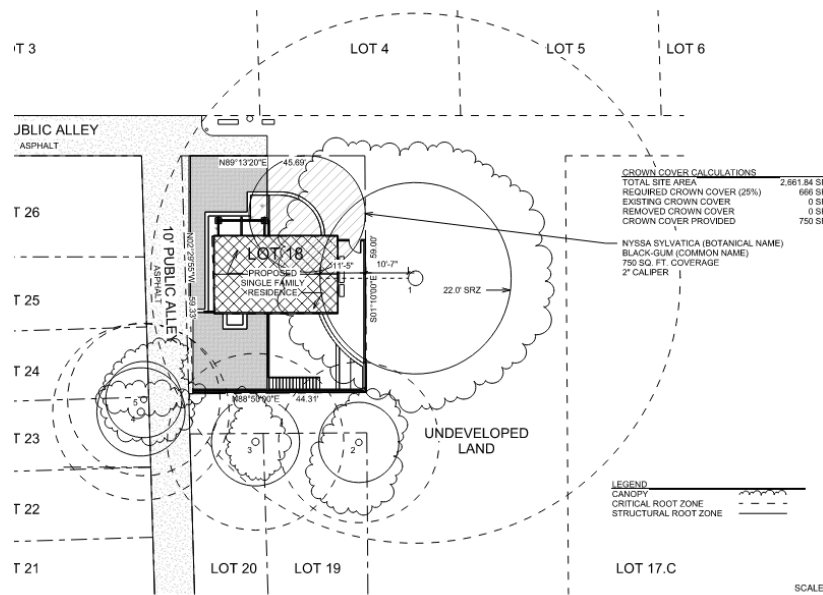
There is nothing different or unique about this site than any other site being developed in the City in terms of complying with stormwater management requirements. All new dwellings are subject to grading plan reviews, a process independent of the SUP review, and must comply with the City's stormwater management requirements which require the amount of runoff after development to be less than the amount of runoff prior to development. Staff will evaluate the impervious area, drainage patterns, and downspout locations along with grading on the site to ensure stormwater concerns are mitigated both during construction and after construction. Section 5-6-224 of City Code requires the connection of stormwater and ground water discharges, to include roof drains and sump pumps, be directly connected to the City's storm sewer system. The connection requirement ensures that runoff of this type does not flow directly onto adjacent properties, creating a nuisance and potentially increase flooding of adjacent structures. Staff determined that no further stormwater related conditions were needed to address the impacts of this proposal that could arise if the SUPs were approved.

### Utility line relocation

The property currently has numerous utility lines running above the site. If approved, the applicants must work with Dominion and other utility providers to reconfigure the lines prior to starting construction on the site. If the reconfiguration results in any significant changes to the plan, then the applicants will be required to amend the Special Use Permit for the new design per condition #1.

### Trees

The neighbors have expressed concerns for the neighboring trees and a strong desire to save them. Trees have a critical root zone and a structural root zone. The critical root zone is the larger perimeter of the tree where the greater the disturbance, the greater protection of the tree would be needed during construction. The structural root zone is the interior perimeter of the tree where disturbance would cause significant impact to the tree; potentially threatening its stability in the ground.



An existing Silver Maple tree is located within the public right-of-way to the east of the property. The applicant has made significant design adjustments to ensure the tree's structural root zone would not be impacted. The basement of the structure would not be located within the structural root zone, and the first floor would be cantilevered. Further, the applicants would be required to adhere to tree protection measures as outlined in the City's landscape guidelines, which include root pruning and tree protection fencing. If these measures fail, the applicants shall be required to either replace the tree as determined by the City Arborist or pay a contribution fee of \$2,500 per condition #5. This is consistent with the requirement for the same tree when the property at 408 East Alexandria Ave was re-developed and other developments that affect trees located on city property. Staff is also recommending a condition that a 40% crown coverage is required for the site.

In addition, the adjacent properties contain two Siberian Elms, a Northern Catalpa, and a White Mulberry that could be affected by construction work on the subject property.

The applicant will be required to notify the immediate property owners of the potential impact to their trees and take measures to ensure minimal impacts per conditions #3 and #4.

Neighbors of public property who may be concerned about the state of a public tree near their property can request that the City assess the health of that tree. Otherwise, there is a process available for residents to make a claim against the City related to damage to property.

*Vision clearance at alley entrance*

Both alleys' intersections with East Alexandria and Mount Vernon Avenues are existing. The property at 1413 Mount Vernon Avenue currently uses the east-west alley off of Mount Vernon Avenue to access their off-street parking. The applicant proposes no changes to either of these alleys nor their intersections with the adjacent streets. The alley's entrance complies with the City's vision clearance requirements.

*Precedent*

Neighbors were also concerned that, if approved, a precedent would be established for similar lots which would lead to destruction of neighborhood character. They stated that this precedent would encourage developers to seek similar approvals, and that City Council would have difficulty denying these requests. Every SUP request must be considered on its own merits. If a similar case came forward, the SUP criteria would be applied to that particular proposal.

Further, as the neighbors stated, there are no other lots in Del Ray with the exact configuration as the subject property. Because of this, there are no opportunities for similar SUP approval to be sought.

Last, creating a new lot without frontage requires a subdivision with variations. These requests must meet strict legal criteria for approval.

*Use as short-term rental*

Neighbors expressed concerns the house would be used as a short-term rental and not housing. Currently, the City is reviewing their short-term rental policy city-wide. Use of the subject property as a short-term rental is not within the scope of SUP review.

CONCLUSION

Staff found that the proposal would meet all approval criteria. Staff recommends approval of the SUP request subject to the conditions contained in Section III of this report.

### III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances, and the following conditions:

1. The dwelling's bulk, height, and design, including materials, shall be substantially consistent with the application materials submitted October 17, 2024 to the satisfaction of the Director of Planning and Zoning. (P&Z)
2. A minimum 40 percent canopy coverage shall be provided. (P&Z)
3. The applicant shall install all tree protection fencing prior to demolition of the site or structures, delivery of materials (stockpiling), and/or placement or operation of heavy machinery on the site. (P&Z)
4. The applicant shall notify owners of the immediately adjacent properties of the potential impact to trees on their properties as a result of construction prior to the application of the grading plan and provide delivery information for the correspondence. The applicant shall ensure tree protection of neighboring trees by reducing the limit of disturbance around the trees as much as possible, root pruning, root matting and similar best practices. (P&Z)
5. If tree protection measures fail for trees located on public property, the applicant shall be responsible for planting a replacement tree as determined by the City Arborist or paying the City \$2,500 replacement fee. (RPCA)
6. The applicant shall be responsible for repairs to any adjacent City right-of-way if damaged during construction activity. (T&ES)
7. The applicant shall improve the portion of the public alley abutting the subject property to the west to the satisfaction of the Director of Planning and Zoning. (P&Z)
8. 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)
9. The applicant shall install a backflow preventer on the sanitary sewer lateral connection to the basement and provide notation of this on the grading plan and building permit. (T&ES)
10. The Applicant shall install a minimum of one (1) bollard near the electrical box to prevent vehicles from striking the equipment. (T&ES)

STAFF: Rachel Drescher, Urban Planner, Department of Planning and Zoning  
Sam Shelby, Principal Planner, Department of Planning and Zoning  
Tony LaColla, AICP, Division Chief, Department of Planning and Zoning

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Staff Note: In accordance with section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 36 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### **IV. CITY DEPARTMENT COMMENTS**

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

##### Transportation & Environmental Services:

C-1 All uses must comply with the Noise Code.

##### Code Enforcement:

C-1 Building permit is required.

##### Recreation, Parks and Cultural Activities:

F-1 If tree protection measures fail for any tree located on public property, the applicant shall be responsible for planting a replacement tree as determined by the City Arborist or paying a \$2,500 replacement fee to the City. Due to the site location, suitable replacements would be a +2" caliper London plain tree, American elm variety, red oak species, sweetgum, or ginkgo (male only). If the precautions are followed to protect the tree, the chances of survivability would be moderate to high.

##### Police Department:

No comments received.

##### Fire Department:

C-1 EMERGENCY VEHICLE ACCESS as required in the City of Alexandria Code D101.1 Requirements. The following requirements shall be followed when designing emergency vehicle access:

1. Access for emergency vehicles shall be provided to within 100 feet of the main or principal entrance to every building. The access shall be provided by a public or private street or parking lot.

In the event access is not available a code modification will be required.

## Archeology

- F-1 This lot has remained vacant throughout the twentieth century up until today. Although the property has not been developed, it may contain significant archaeological evidence of the growth of early Del Ray beginning in the early 20th century.
- R-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.*
- R-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.*