

Ordinance No. 528

AN ORDINANCE to amend and reordain Section 21, Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, relating to the creation and powers of the Board of Zoning Appeals.

WHEREAS, pursuant to due and timely notice of the time and place of hearing, published in a paper of general circulation in the City of Alexandria, Virginia, a public hearing was held in relation to the changes in the zoning law of the City hereinafter made, at which public hearing parties in interest and citizens had an opportunity to be heard,

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA;

Section 1. That Section 21, Chapter 28, of the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, be and the same hereby is amended and reordained to read as follows:

Sec. 21. Creation and powers.

A board of appeals is hereby created which shall have the powers granted by and be controlled by the provisions of chapter 197 of the Acts of the General Assembly of Virginia, 1926 (Sec. 3091(1)-3091(26) of Michie's Code of 1942.

The board of appeals shall have authority in specific cases, after public notice and hearing, to authorize by permit a variation of the application of the use, height and area regulations herein established, in harmony with the general purpose and intent as follows:

(1) Permit such modifications of the yard, open space, lot area or lot width regulations as may be necessary to secure appropriate improvement of a parcel of land in separate ownership at the time of adoption of the first zoning regulations; and to permit such modification of the lot area or width regulations in A residence and B residence zones as may be necessary to secure appropriate improvement of any lot even though not in separate ownership at the time of the adoption of the first zoning regulations, provided that in no such case shall the board permit the lot area deficiency to be less than twenty percent and in no such case shall the lot width be less than fifty feet at the building line, provided further that the board shall require resubdivision in such cases rather than permit variances whenever resubdivision is possible without extreme hardship.

(2) Permit minor alterations to a building occupied by a non-conforming use, provided such alterations will not unduly lengthen the life of such non-conforming use.

(3) Permit the erection and use of a structure or premises for public utility purposes.

(4) Permit the extension of a non-conforming structure not to exceed 25% of its bulk on contiguous land.

(5) Where a zone boundary line divides a lot in single ownership at the time of passage of these regulations, permit a use authorized on either portion of said lot to extend to the entire lot but not to exceed 20 feet beyond the boundary line of the zone in which such use is authorized. The dedication of a 20 foot alley at the rear of commercial or industrial lots may be made a condition of such use extension.

Section 2. That this ordinance shall be published in the Alexandria Gazette and it shall become effective the day after its publication.

William T. Wilkins,
Mayor

February 27, 1948.