

Docket Item #3
BZA CASE #2011-0015

Board of Zoning Appeals
November 10, 2011

ADDRESS: 6012 KELLEY COURT
ZONE: R12, RESIDENTIAL
APPLICANT: ALLEN AND MARGARET TIEDEMANN BY RUSSELL FINN,
CONTRACTOR

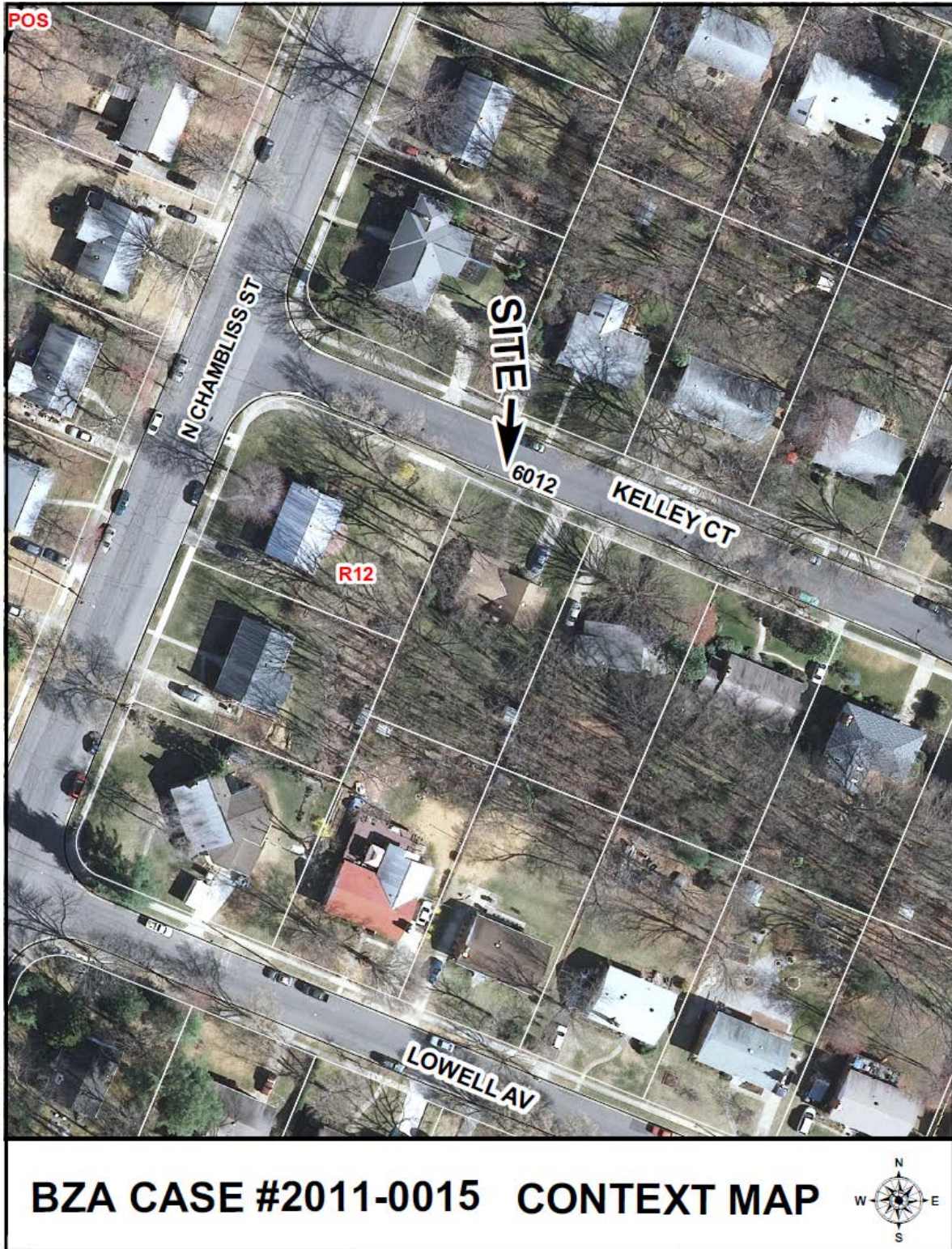
ISSUE: Special exception to construct an open porch in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-2503(A)	Average Setback	36.64 feet*	28.80 feet	7.84 feet

*Based on the average front setback along Kelley Court.

The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception, with the condition that the applicant work with staff to improve the porch design to better resolve the intersections of the existing and proposed roofs.

If the Board decides to grant the requested special exception it must comply with the code requirements under the department comments and the applicant must submit a survey plat prepared by a licensed surveyor confirming porch footprint and setbacks after a footing inspection and prior to approval of a framing inspection by the Office of Code Administration. The special exception must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.



I. Issue

The applicants propose to construct an open front porch in the required front yard at 6012 Kelley Court.

II. Background

The subject property is one lot of record with 80.00 feet of frontage facing Kelley Court and a depth of 150.00 feet. The property contains 12,000 square feet of lot area and is complying as to the minimum lot area, frontage and width for single family dwelling lot in the R-2-5 zone.



The property is currently developed with a split level single family dwelling located 36.80 feet from the front property line, 14.90 feet from the west side property line, 20.00 feet from the east side property line and 84.00 feet from the rear property line. According to real estate records the dwelling was constructed in 1957.

III. Description

The applicants are proposing to construct a one-story open front porch measuring 8.00 feet in depth, 22.00 feet in length and 11.50 feet from grade to the midpoint of the gable roof. The proposed front porch will be located 28.80 feet from the front property line, 14.90 feet from the west side property line and 48.00 feet from the east side property line. The applicants must request a special exception to construct the front porch in the required front yard, based on the average setback of the blockface on Kelley Court

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements.

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

IV. Master Plan/Zoning

The subject property is zoned R-12 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Alexandria West Small Area Plan.

V. Requested Special Exception:

7-2503(A) Front Yard

The applicants request a special exception of 7.84 feet from the required 36.64 feet, based on the average front setback along Kelley Court to construct the one-story open porch in the required front yard.

VI. Special Exceptions Standards

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
- 2) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
- 3) Whether approval of the special exception will alter the essential character of the area or zone.
- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.
- 5) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

VII. Staff Conclusion

The houses along Kelley Court are all built at an approximate uniform setback of 36.50 feet from the front property line. The applicants are proposing to project beyond their existing front building wall into the required front yard, but will still maintain a substantial distance from the front property line, 28.80 feet, in keeping with the character of the neighborhood to maintain large open front yards.

While there are no other open front porches along Kelley Court, there are a variety of housing types and styles in Kelley Court and throughout the neighborhood. Some homes in the neighborhood have front porticos or modest overhangs which provide protection from the elements at the front entrance. Because of the wide variety of housing types and

different configurations of covered entrances throughout the neighborhood, staff believes that the proposed open front porch will not alter the character of the neighborhood.

The proposed open front porch will be located approximately 15.00 from the closest side property line and 28.80 feet from the front property line. Due to the open nature of the porch and its location away from the street and other properties it is unlikely to negatively impact light or air to any property.

Split-level dwellings were not originally constructed with a front porch. The subject house was constructed with a recessed entrance and small covered stoop that is more typical feature of split level dwellings. Therefore, designing an appropriate front porch presented difficulties to both the applicants and staff. The applicants have worked with staff to improve upon their original porch design to make it more compatible proportionally and stylistically with the existing dwelling. The proposed roof pitch was revised and architectural trim details refined to more closely mimic features of the existing dwelling, and the porch posts enlarged to create a design to complement the existing dwelling. Staff believes the design could be further improved if the existing and proposed roofs intersected more cleanly at the corners with the terminal ends of the porch roof intersecting with the sides of the existing front roof to be encapsulated. To accomplish this goal the porch and porch columns should be pulled in slightly at each end giving a clean valley intersection between the new porch roof and existing main dwelling roof.

For the above reasons, staff **recommends approval** of the requested special exception to construct an open front porch, with the condition that the applicants work with staff to improve the design by pulling the porch in slightly on the sides to better resolve the intersections and create clean intersections between the existing and proposed roofs.

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R-1 The building permit plans shall comply with requirements of City Code Section 5-6-224 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-4 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)
- R-5 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-6 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- F-1 An approved grading plan may be required at the time of building permit application per City Code Section 5-6-224 (d). Insufficient information has been provided to make that determination at this time. Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 746-4064. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link. **<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>**
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

- C-1 Alterations to the existing structure and/or installation of equipment requires construction/alteration permits. Five sets of architectural quality drawings shall accompany the permit applications that fully detail the construction/alteration.

Recreation (Arborist):

- F-1 No trees are affected by this plan

Historic Alexandria (Archaeology):

- F-1 This property is situated in close proximity to Holmes Run and several of its tributaries. This type of environment would have been conducive to occupation by Native Americans. Historic maps also indicate that a farmstead was located nearby in the early twentieth century. There is a modest potential for archaeological resources to be present that could provide insight into prehistoric settlement patterns and/or residential life on the outskirts of Alexandria in the early twentieth century.

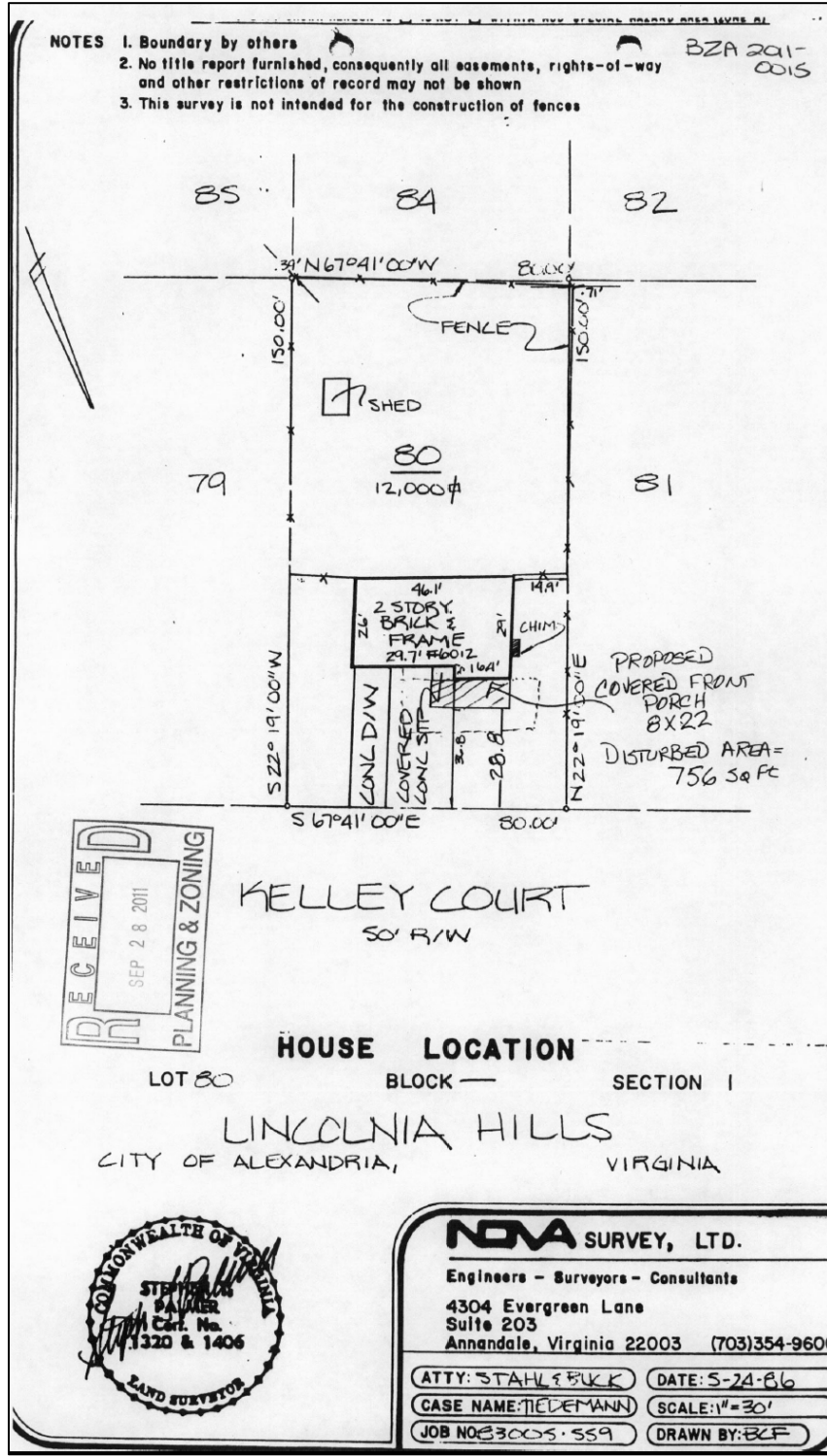
The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements:

- R-1 The applicant/property owner shall 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.
- R-2 The applicant/property owner shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

Other Requirements Brought to the Applicant's Attention:

C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.

Images







BZA Case # 2011-0015



**APPLICATION
BOARD OF ZONING APPEALS**

SPECIAL EXCEPTION FOR PORCHES

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

3-206A1
7-2503A

1. Applicant: Owner Contract Purchaser Agent

Name RUSSELL D. FINN

Address 5803 QUIET BROOK RD
FAIRFAX, VA 22030

Daytime Phone 703-359-4641

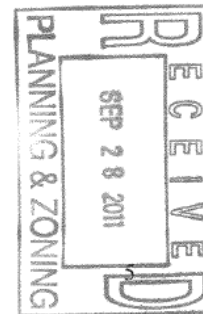
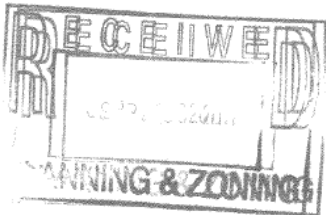
Email Address thefinns@yahoo.com

2. Property Location 6012 KELLEY CT.

3. Assessment Map # 028 Block 01 Lot 03 Zone VR-12

4. Legal Property Owner Name ALLEN & MARGARET M. TIEDEMANN

Address 6012 KELLEY CT
ALEXANDRIA, VA 22312



BZA 2011-0015

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. -	ED. VA	-
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 6012 KELLEY CE. (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. ALLEN J. TIEDEMANN	6012 KELLEY CE.	50
2. MARGARET M. TIEDEMANN	6012 KELLEY CE.	50
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

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. NONE		
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.

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.

9/23/11 Russell D. Finn [Signature]
 Date Printed Name Signature

BZA 2011-0015

Alexandria City Council

William Euille, Mayor
Kerry Donely, Vice Mayor
Frank Fannon IV
Alicia Hughes
Rob Krupicka
Redella "Del" Pepper
Paul Smedberg

Planning Commission

John Komoroske, Chair
H. Stewart Dunn, Vice Chair
Donna Fossum
J. Lawrence Robinson
Mary Lyman
Jesse Jennings
Eric Wagner

Board of Zoning Appeals

Harold Curry, Chair
Mark Allen, Vice Chair
Geoffrey Goodale
David Lantzy
Jennifer Lewis
Eric Zander
John Keegan

**Board of Architectural Review
Old and Historic District**

Thomas Hulfish, Chair
Oscar Fitzgerald, Vice Chair
Arthur Keleher
Wayne Neale
Peter Smeallie
James Spencer
John Von Senden

Board of Architectural Review

Parker-Gray District

William Conkey, Chair
Deborah Rankin, Vice Chair
Christina Kelley
H. Richard Lloyd, III
Robert Duffy
Douglas Meick
Philip Moffat

Updated 5/1/2010

Definition of business and financial relationship.

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

BZA Case # 2011-0015

5. Describe request briefly :

CONSTRUCT 8X22 FRONT PORCH

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?

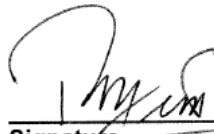
Yes — Provide proof of current City business license.

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:

RUSSELL D. FINN
Print Name


Signature

703-359-4641
Telephone

9/23/11
Date

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

Note to Applicant: Only one special exception per dwelling shall be approved under the provisions of Section 11-1302(B)(4).

BZA Case # 2011-0015

PART B (SECTIONS 11-1302(C) and 11-1304)

APPLICANT MUST COMPLETE THE FOLLOWING:
(Please use additional sheets where necessary.)

1. Please provide the following details of the proposed porch:
 - a. Porch projection from front building wall to deck edge 8'
 - b. Length of building wall where porch is to be built 22'
 - c. Length of porch deck 22'
 - d. Depth of overhang 6"
 - e. Distance of furthest projecting porch element from the front property line 28.8 Ft.
 - f. Overall height of porch from finished or existing grade 11'
 - g. Height of porch deck from finished or existing grade 4"

2. Explain the conditions of the subject property which prevent locating the proposed porch in compliance with the zoning ordinance.
THE EXIST HOME IS AT THE SETBACK LINE.

3. Explain if the proposed porch will be detrimental to the adjacent properties or the neighborhood in general.
IT WILL BE AN ENHANCEMENT NOT DETREMENTAL

4. Explain how the proposed porch will affect the light and air to any adjacent property.
NOT IN ANY MANNER

5. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter.
NO OBJECTIONS

BZA Case # 2011-0015

6. The applicant shall demonstrate by clear and convincing evidence that the proposed porch is compatible with the existing building architecture, neighboring properties and neighborhood character. Provide information such as style and number of similar porches in the immediate neighborhood (provide dimensions and roof height as well as distance from curblin). Photographs should be included as part of the evidence supporting this request.

PLEASE SEE ENCLOSED PHOTO'S & PLANS
WE ARE IN A VERY CLOSE KNOT NEIGHBORHOOD
& THIS WILL PROMOTE GOOD NEIGHBORS

Revised 11/11/11

BZA 2011-0015



DEPARTMENT OF PLANNING AND ZONING
 FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR
 SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

A. Property Information

A1. Street Address 6012 KELLEY Ct Zone R-12
 A2. 12000 x 0.30 = 3600
 Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement	390	Basement**	
First Floor	520	Stairways**	27
Second Floor	390	Mechanical**	
Third Floor		Porch/ Garage**	
Porches/ Other		Attic less than 5***	
Total Gross *	1300	Total Exclusions	27

B1. Existing Gross Floor Area *
1300 Sq. Ft.
 B2. Allowable Floor Exclusions**
27 Sq. Ft.
 B3. Existing Floor Area minus
 Exclusions 1273 Sq. Ft.
 (subtract B2 from B1)

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

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Porch/ Garage**	176
Porches/ Other	192.5	Attic less than 5***	
Total Gross *	192.5	Total Exclusions	176

C1. Proposed Gross Floor Area *
192.5 Sq. Ft.
 C2. Allowable Floor Exclusions**
176 Sq. Ft.
 C3. Proposed Floor Area minus
 Exclusions 16.5 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 1289.5 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 3600 Sq. Ft.

*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof on a lot, measured from exterior walls.

**Refer to the zoning ordinance (Section 2-145(A)) and consult with zoning staff for information regarding allowable exclusions.

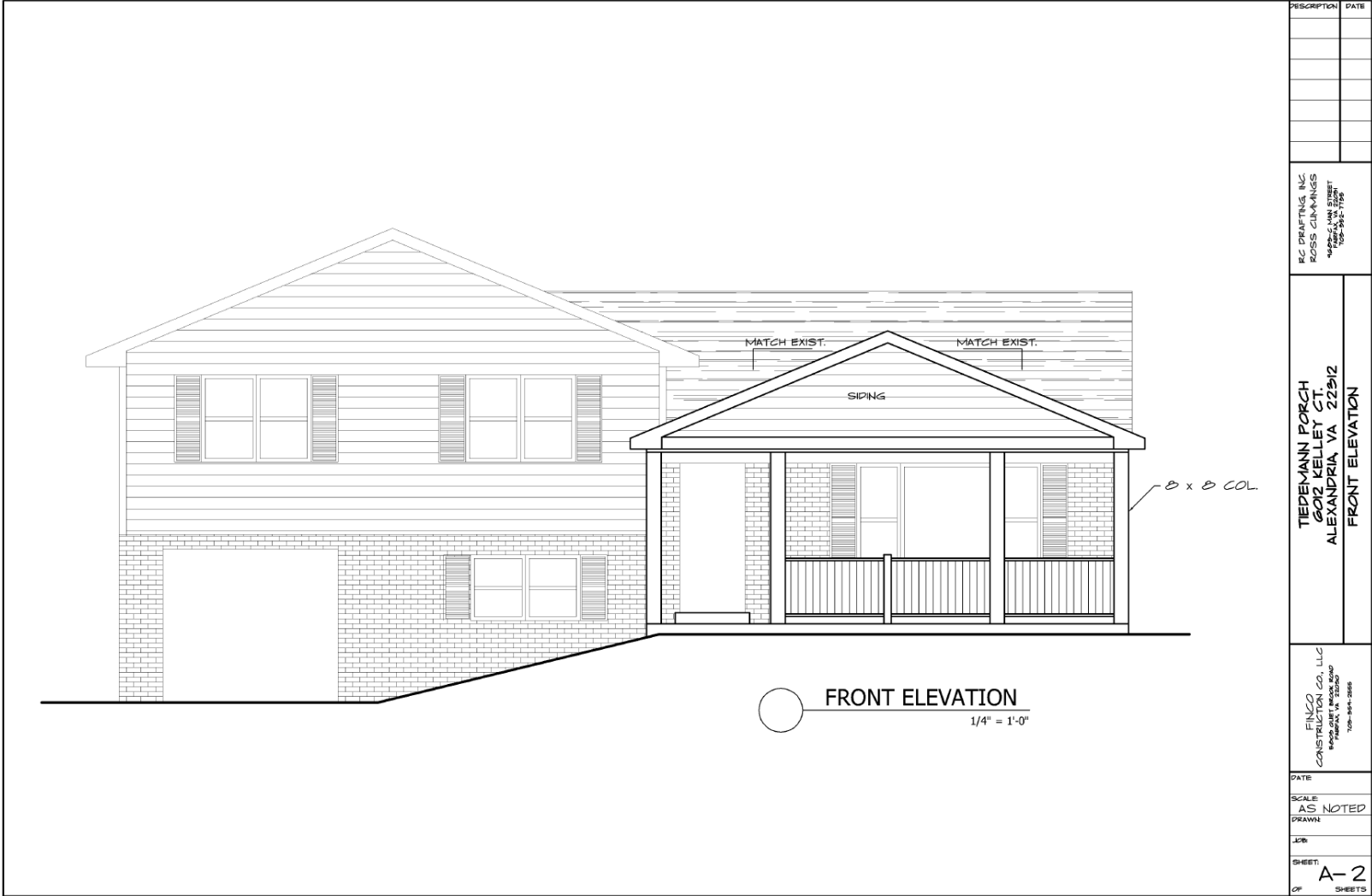
If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

F. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

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

Signature: [Signature] Date: 9/28/11



DESCRIPTION	DATE

RC DRAFTING, INC.
ROSS CLININGS
4622-C MAIN STREET
FARMERSVILLE, VA 22434
703-844-7726

TEDEMANN PORCH
6012 KELLEY CT.
ALEXANDRIA, VA 22312
FRONT ELEVATION

FINCO
CONSTRUCTION CO., LLC
18000 GLEBE ROAD, SUITE 200
FARMERSVILLE, VA 22434
703-844-2888

DATE
SCALE AS NOTED
DRAWN
JCB
SHEET: A-2
OF SHEETS

