

Docket Item #4
BZA CASE #2012-0015

Board of Zoning Appeals
September 13, 2012

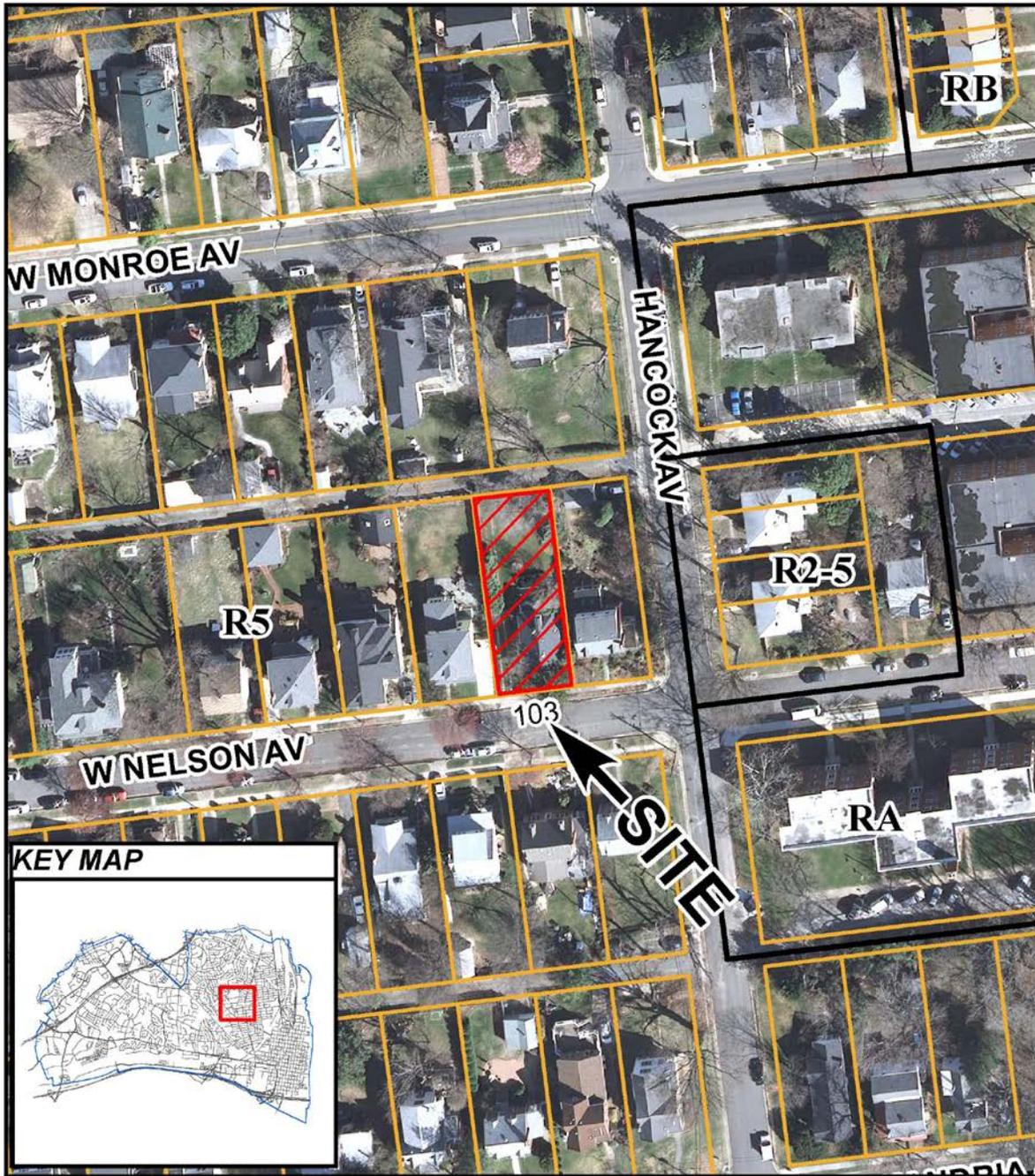
ADDRESS: 103 WEST NELSON AVENUE
ZONE: R-5, RESIDENTIAL
APPLICANT: ROSE SANCHEZ-CANETE AND WENDY SMITH, OWNERS, BY
GAVER NICHOLS, ARCHITECT

ISSUE: Special exception to construct a two story addition and a second floor addition over the existing building footprint in the required rear yard and east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yards (East)	7.00 ft	5.30 ft	1.70 ft

The staff **recommends approval** of the requested special exception with the condition that the front porch must remain open because the request meets the criteria for a special exception.

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 the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. 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.



BZA #2012-0015
103 W. Nelson Avenue

9/13/12



I. Issue

The applicants propose to construct a second story addition above the existing dwelling and a rear two story addition with an open rear porch at 103 West Nelson Avenue. The second story addition, the two-story rear addition and the open rear porch are all located in the required east side yard and require a special exception.

II. Background

The subject property is one lot of record with 50.00 feet of frontage facing West Nelson Avenue and 130.00 feet of depth. The property contains 6,500 square feet of lot area and is complying as to the lot area, width and frontage required for a single family lot in the R-5 zone.

The property is currently developed with a one-story single family dwelling with an open front porch located 15.00 feet from the front property line, 12.30 feet from the west side property line, 5.30 feet from the east side property line and 52.70 feet from the rear property line. According to real estate assessments the dwelling was constructed in 1920.

III. Description

The applicants are proposing the following improvements:

- 1) Construct a second story addition over the existing one-story dwelling. The proposed second story will be located 22.00 feet from the front property line, 22.10 feet from the west side property line and 5.30 feet from the east side property line. The second story will measure 22.40 feet by 30.40 feet, a total 680.96 square feet and will measure 21.00 feet in height measured from the roof eave facing the east side property line to grade. The applicants must request a special exception to construct the second story addition in line with the existing east building wall 5.30 feet from the east side property line.
- 2) Construct a two-story rear addition 12.30 feet from the west side property line, 5.30 feet from the east side property line and 59.70 feet from the rear property line. The addition will measure 17.83 feet along the east side, 32.42 feet across the rear and 25.50 feet along the west side, a total of approximately 654 square feet on each floor. The addition will measure 21.00 feet in height measured from the roof eave facing the east side property line to grade. The applicants must request a special exception to construct the two-story rear addition in line with the existing east building wall 5.30 feet from the east side property line.
- 3) Construct an open rear porch on a foundation with a balcony above across the rear of the proposed two-story addition 12.30 feet from the west side property line, 5.30 feet from the east side property line and 52.70 feet from the rear property line, a total of 197.00 square feet. The proposed rear porch will measure 12.00 feet from the top of the balcony floor to grade. The applicants must request a special exception to

construct the open rear porch with balcony in line with the existing east building wall 5.30 feet from the east side property line.

- 4) Construct an open side porch located 35.00 feet from the front property line, 12.30 feet from the west side property line and 85.00 feet from the rear property line. The proposed porch will measure 7.00 feet by 10.00 feet, a total of 70.00 square feet. The porch will measure 12.00 feet in height measured from the roof eave facing the west side property line to grade. The proposed porch complies with the R-5 zone requirements and does not require a special exception or variance.

The applicants will demolish the existing shed at the rear of the property in order to comply with the allowable FAR. Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

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

IV. Master Plan/Zoning

The subject property is zoned R-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential use.

V. Requested Special Exception:

3-406(A)(2) Side Yard (East)

The applicants request a special exception of 1.70 feet from the required 7.00 feet based on a building height of 21.00 feet measured from average grade to the roof eave facing the west side property line to construct the second story addition, two-story addition and open rear porch 5.30 feet from the west side property line.

VI. Existing Noncomplying Structure/ Substandard Lot

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side Yard (East) Building Wall	7.00 ft*	5.30 ft	1.70 ft
Side Yard (East) A/C unit (existing)	7.00 ft	2.00 ft	3.00 ft

VII. 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.

VIII. Staff Analysis and Conclusion

Neighborhood Impact

Many homes in the surrounding neighborhood have been expanded to include second stories and two-story additions. The proposed additions complement the existing dwelling and are in keeping with the character of the neighborhood. The size and design of the proposed additions are compatible with character of the block.

Light and Air

The expansions to the existing dwelling will continue to be located in line with the existing east building wall. The proposed rear porch is open and will allow adequate light and air to reach the rear yards of the subject and adjacent properties.

Lot Constraints

The existing dwelling is not centered on the property. The location of the existing dwelling and driveway on the lot limit the locations for expansion. The proposed location of the additions and porch represents the most reasonable placement on the lot.

Staff Conclusion

As outlined above, the staff believes the application meets the criteria for a special exception and **recommends approval** of the request.

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the special exception 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)

BZA CASE #2012-0015

- 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:

No comments received

Recreation (Arborist):

- F-1 No specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

- R-1 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:
 - a. The applicant/developer 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.
 - b. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- C-1 All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.
- F-1 Given the fact that the lot has been inhabited since the early twentieth century, the property has modest archaeological potential to contain evidence of the “suburban” development of Alexandria.

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.

BZA Case # 2012-0015



APPLICATION BOARD OF ZONING APPEALS

SPECIAL EXCEPTION FOR ADDITIONS

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

WE REQUEST A SPECIAL EXCEPTION OF THE 7'-0" SIDE YARD SETBACK REGULATION IN THE R-5 ZONE TO ALLOW US TO ALIGN A NEW ADDITION AT THE REAR OF THE HOME AND THE ADDITION OF A SECOND FLOOR ABOVE THE EXISTING FOOTPRINT OF THE HOME. WE REQUEST A SPECIAL EXCEPTION OF THE 25' FRONT YARD SET BACK IN THE SAME R-2-5 ZONE TO ALLOW FRONT PORCH ROOF MODIFICATIONS AND TO ALLOW THE SECOND FLOOR ADDITION TO BE BUILT OVER THE FRONT WALL.
PART A THE HOME CURRENTLY

1. Applicant: Owner Contract Purchaser Agent

Name GAVER NICHOLS, ARCHITECT

Address P.O. Box 2921
ALEXANDRIA, VIRGINIA 22301

Daytime Phone 703-836-5209

Email Address gnarchitec@aol.com

2. Property Location 103 West Nelson Avenue Alexandria, Va. 22301

3. Assessment Map # 043.03 Block 02 Lot 12 Zone R5

4. Legal Property Owner Name POSE SANCHEZ-CANETE & WENDY SMITH.

Address 103 W, NELSON AVENUE
ALEXANDRIA, VIRGINIA 22301



BZA Case # 2012-0015

5. Describe request briefly:
WE REQUEST A SPECIAL EXCEPTION TO THE EAST SIDE YARD REQUIREMENTS AND THE SOUTH-FRONT YARD SETBACK REQUIREMENTS TO ALLOW US TO CONSTRUCT ADDITIONS TO THE EXISTING HOME. BOTH SETBACKS ARE NOW - NON COMPLYING. WE SIT IN THE R-5 ZONE.

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:

SAVER NICHOLS ARCHITECT

Saver Nichols AIA

Print Name

Signature

703-836-5209

7/31/12

Telephone

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.

8

BZA Case # 2012-0015

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

PART B (SECTION 11-1304)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please use additional pages where necessary.)

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

THE APPLICANT WISHES TO UPDATE & ENLARGE AN EXISTING ONE STORY HOME IN THE R-5 ZONE. WE WISH TO ADD AN ADDITION TO THE REAR OF THE HOME AND TO BUILD UPON THE ORIGINAL FOOTPRINT (1 STORY) PORTION. BOTH THE EAST SIDE YARD AND SOUTH FRONT YARDS ARE NON-COMPLYING. THE UPDATED WORK WILL ALLOW THE OWNERS TO PROVIDE FOR THEIR FAMILY TODAY AND FOR MULTIGENERATIONAL NEEDS IN THE FUTURE.

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

THE PROPOSAL AS DESIGNED WILL NOT HARM NEIGHBOR PROPERTIES. THE LOT IS OVERLY LARGE FOR THE AREA AND THE PROPOSAL MEETS FAR REGULATIONS. THE DESIGN IS COMPATIBLE WITH THE ORIGINAL CHARACTER OF THE NEIGHBORHOOD.

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

WE PROPOSE TO BUILD ABOVE THE EXIST. FOOTPRINT. OUR ADDITIONS WILL EXTEND TO THE REAR AND BE IN SCALE WITH HOMES TO THE EAST SIDE & WEST SIDE. LIGHT AND AIR WILL NOT BE AFFECTED

BZA Case # 2012-0015

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

THE NEIGHBORHOOD CONTAINS MANY ORIGINAL SEARS CATALOG HOMES.
 WE ARE KEEPING OUR DESIGNS IN THE BASIC STYLE AND
 MASSING OF THE 4 SQUARES NEAR BY. OUR DESIGN HAS A
 HIP ROOF - THE ORIGINAL HOME HAS A HIP ROOF. THIS
 ROOF TYPE ALLOWS LIGHT AND AIR TO MOVE AROUND
 OUR BUILDING.

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

WE ARE PROPOSING A WOOD FRAME STRUCTURE W/
 HARD PLANK OR SHINGE SIDING - (VINYL IS ANOTHER OPTION.)
 OUR WINDOWS ARE DOUBLE HUNG. WE MATCH THE
 EXISTING HOUSING TYPES AND CONSTRUCTION TYPES.

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

THE ORIGINAL HOME IS NON-COMPLYING IN BOTH FRONT &
 SIDE YARD SETBACKS. IT IS REASONABLE & COST
 EFFECTIVE TO BUILD OVER THE EXISTING FOOTPRINT AND
 TO ALIGN WALLS IN THE FRONT & SIDE OF THE HOME.

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

BY THE ZONING HEARING WE WILL HAVE MET W/
 NEIGHBORS AND HOPE TO HAVE LETTERS OF SUPPORT.

TO: **MARY/BZA APPLICATION**
CHRISTENSEN
103 W. NELSON AVE

REVISED



REVISION by: *Benjamin Nichols AIA*

A

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 103 WEST NELSON AVENUE Zone R-5
 A2. 6500 x .45 = 2925
 Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	405	Basement**	405
First Floor	680	Stairways**	0
Second Floor	0	Mechanical**	0
Third Floor	0	Porch/Garage**	157
Porches/Other	157	Attic less than 5***	0
Total Gross*	1242	Total Exclusions	562

B1. Existing Gross Floor Area* 1242 Sq. Ft.
 B2. Allowable Floor Exclusions** 562 Sq. Ft.
 B3. Existing Floor Area minus Exclusions 680 Sq. Ft.
 (subtract B2 from B1)

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

Proposed Gross Area*		Allowable Exclusions	
Basement	0	Basement**	0
First Floor	654	Stairways**	126
Second Floor	1334	Mechanical**	6
Third Floor	0	Porch/Garage**	0
Porches/Other	267	Attic less than 5***	0
Total Gross*	2255	Total Exclusions	132

NOTE:
 ATTIC SPACE IS VAULTED
 AND IN EACH BR/BATH
 LESS THAN 15'-0" TALL.

C1. Proposed Gross Floor Area* 2255 Sq. Ft.
 C2. Allowable Floor Exclusions** 132 Sq. Ft.
 C3. Proposed Floor Area minus Exclusions 2123 Sq. Ft.
 (subtract C2 from C1)

FRONT PORCH WITH NO
 ORNAMENTAL WORK IS DEDUCTED. *See*
 SEE EXISTING CALC.

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2803 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 2925 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 of 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.

E. Open Space Calculations Required in RA & RB zones

Existing Open Space	NA
Required Open Space	NA
Proposed Open Space	NA

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

Signature

Benjamin Nichols AIA

Date:

7/31/12

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.

1.	Name	Address	Percent of Ownership
2.	ROSE SANCHEZ-CAMETE	103 W. Nelson	100% Jt-ten
3.	WENDY SMITH	103 W. Nelson	100% Jt-ten.

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 103 W. Nelson Ave. (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.

1.	Name	Address	Percent of Ownership
2.	ROSE SANCHEZ-CAMETE	103 W. Nelson	100%
3.	WENDY SMITH	103 W. Nelson	100%

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. ROSE Sanchez Camete	No relationship	None
2. WENDY SMITH	No relationship	None
3.		

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

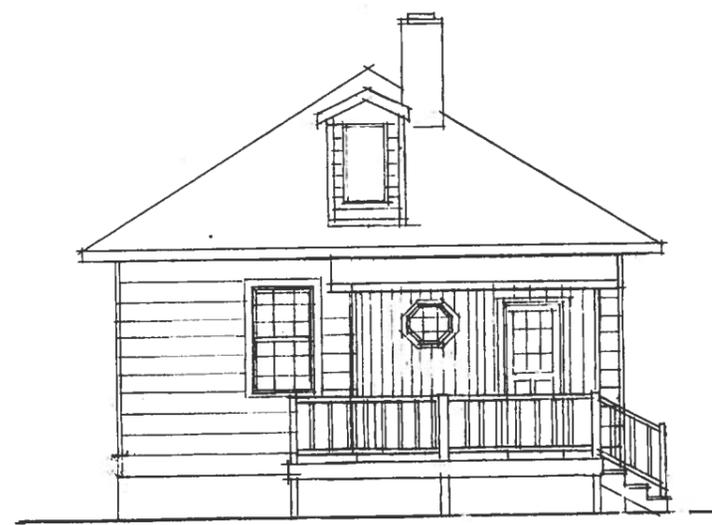
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

7/31/12
Date

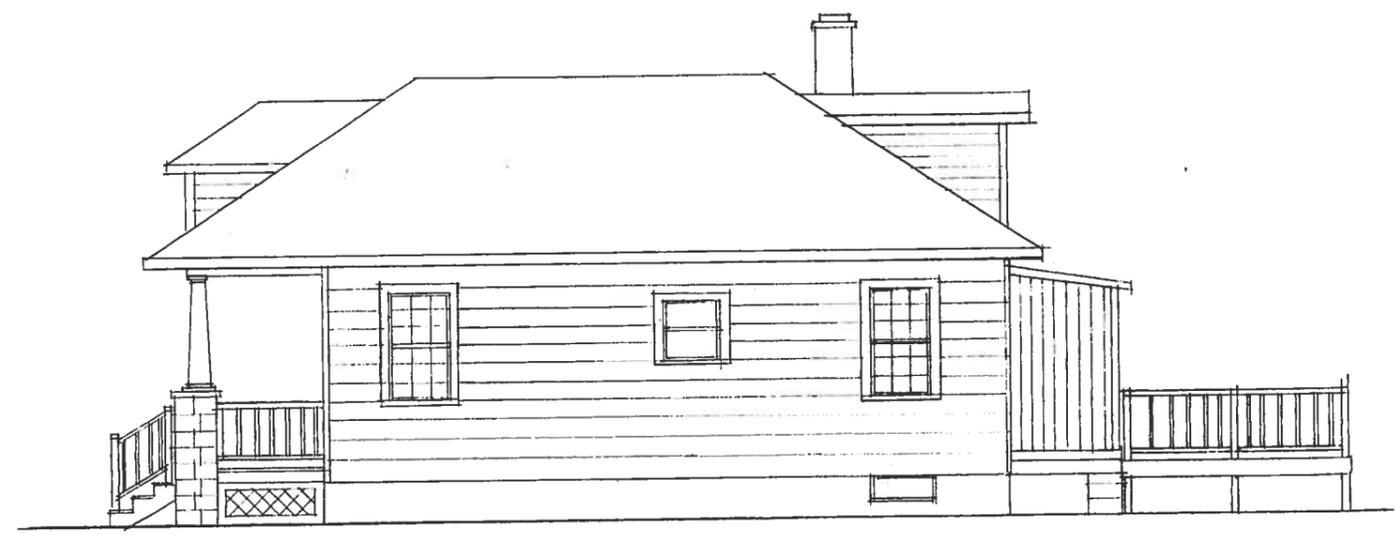
SAVER NICHAS AIA
Printed Name

Saver Nicholas AIA
Signature

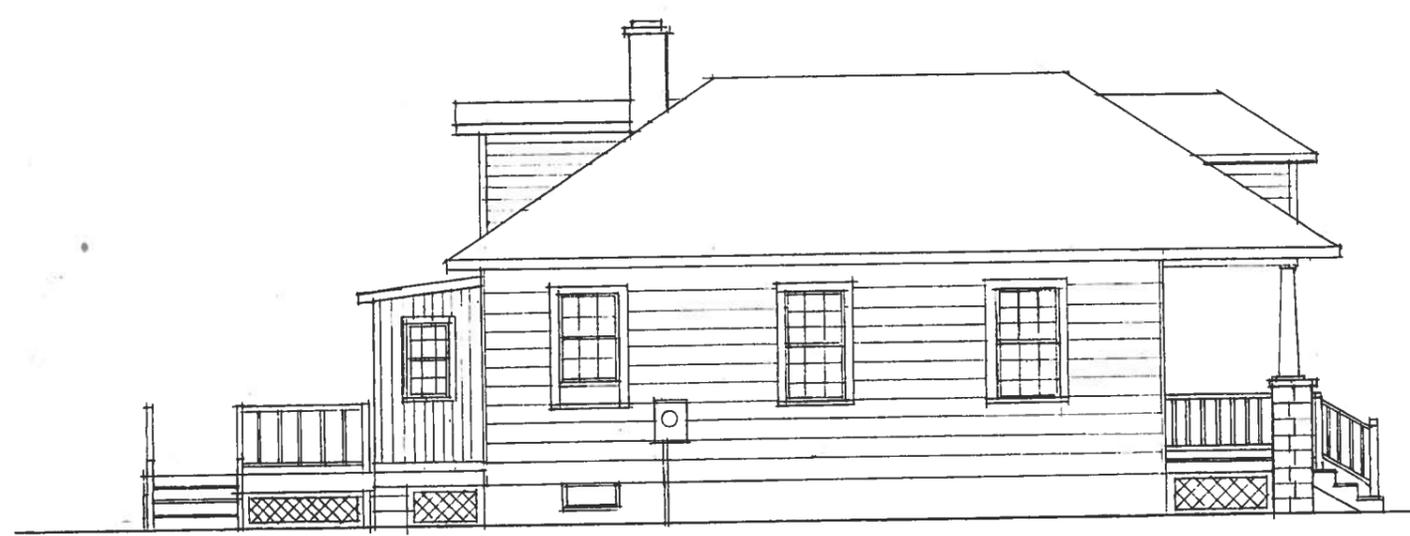
8/24/12 update



NORTH ELEVATION
1/4" = 1'-0" (EXISTING)



EAST ELEVATION
1/4" = 1'-0" (EXISTING)

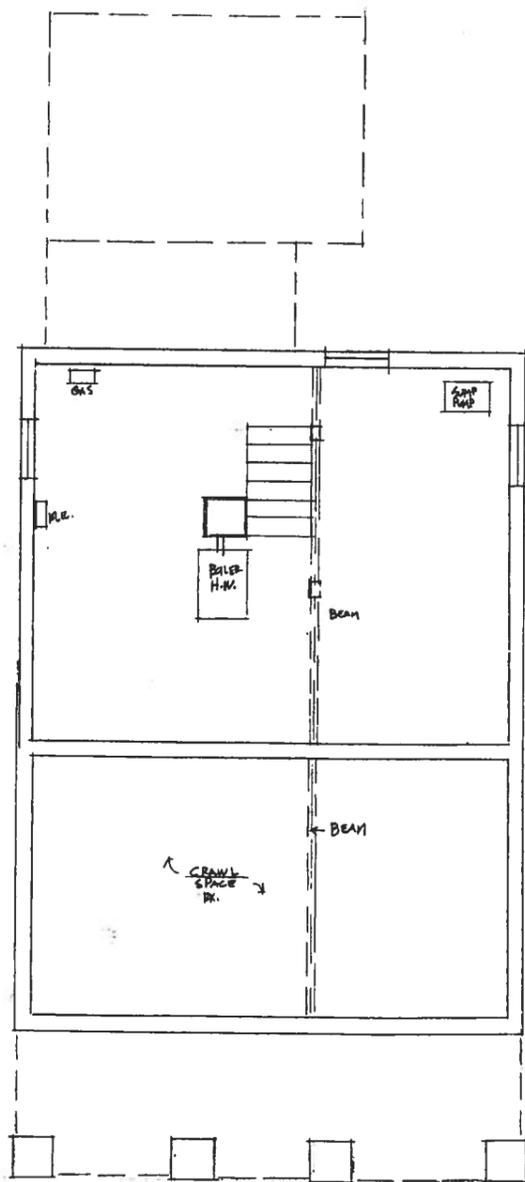


WEST ELEVATION
1/4" = 1'-0" (EXISTING)

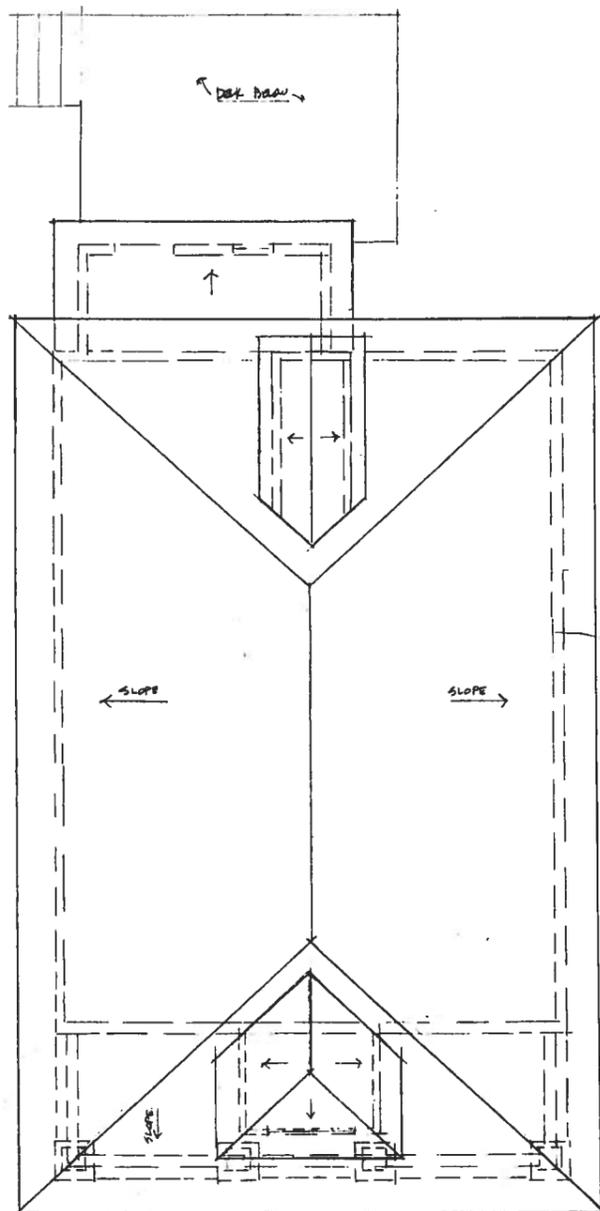


SOUTH ELEVATION
1/4" = 1'-0" (EXISTING)

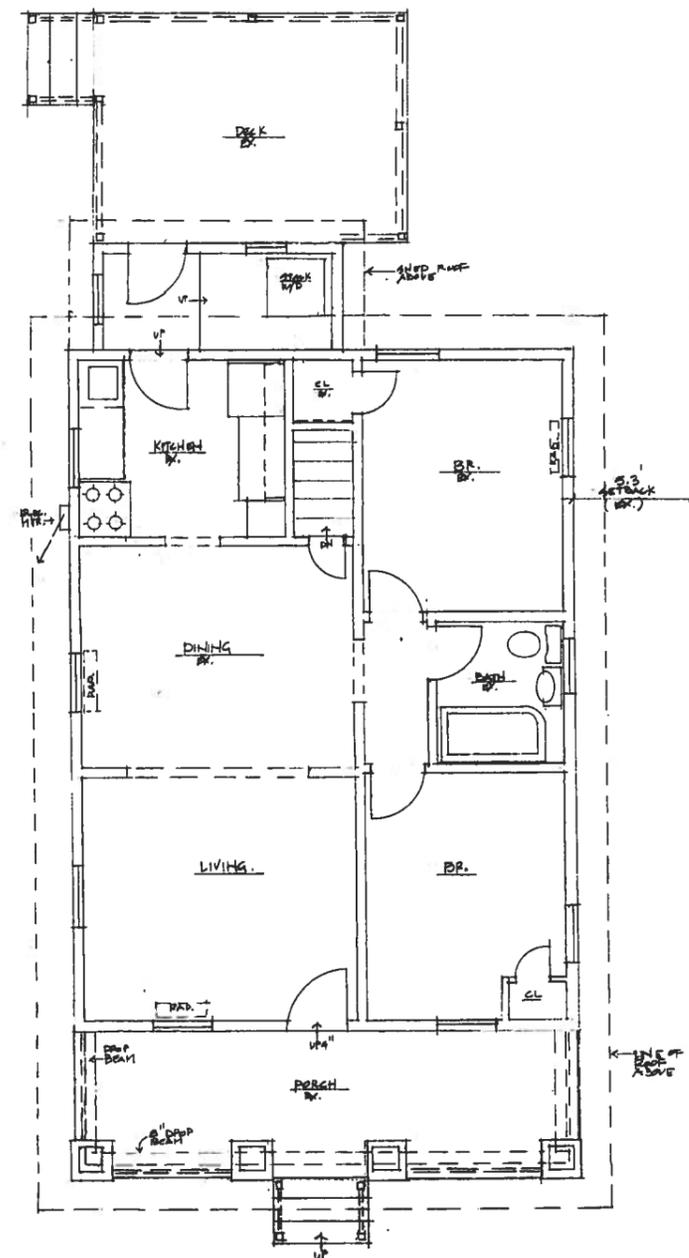




BASEMENT PLAN
1/4" = 1'-0"



ROOF PLAN
1/4" = 1'-0"



FIRST FLOOR PLAN
1/4" = 1'-0" (EXISTING)

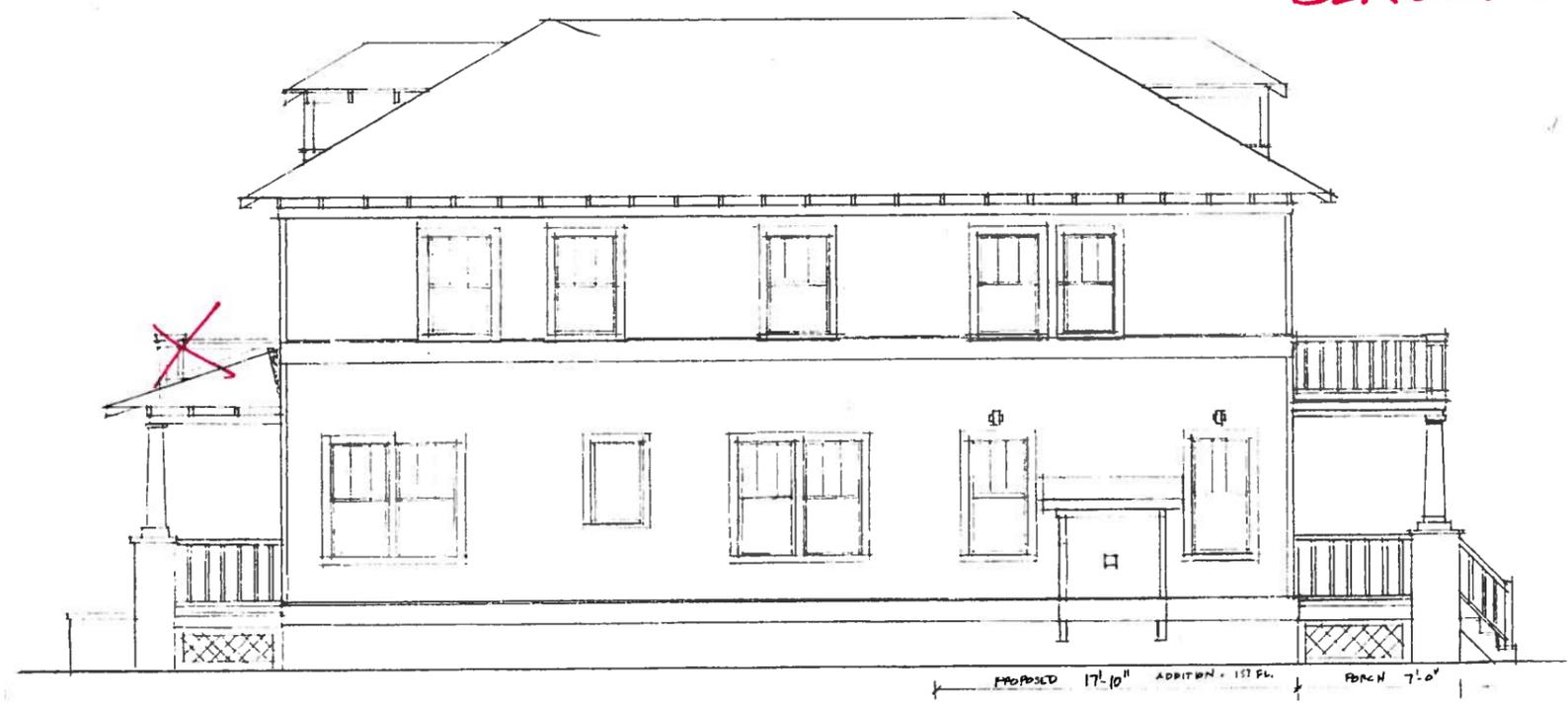
103 WEST NELSON AVENUE
Alexandria, Virginia

REVISED
BZA 2012-0015

PROPOSED ELEVATIONS
A4



NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"

102 WEST NELSON AVENUE

