ADDRESS: 31 E. MAPLE STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: ROBERT AND KATIE WILLIAMS, OWNERS

ISSUE: Special exception to enlarge a one-story addition in the required west side yard.

<table>
<thead>
<tr>
<th>CODE SECTION</th>
<th>SUBJECT</th>
<th>CODE</th>
<th>APPLICANT PROPOSES</th>
<th>REQUESTED EXCEPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-506(A)(2)</td>
<td>Side Yard</td>
<td>7.00 feet</td>
<td>3.50 feet</td>
<td>3.50 feet</td>
</tr>
</tbody>
</table>

BOARD OF ZONING APPEALS ACTION OF APRIL 8, 2010: On a motion to approve by Mr. Goodale, seconded by Mr. Allen, the special exception was approved by a vote of 6 to 0.

Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Robert Williams, owner, made the presentation.

The staff recommends approval of the requested special exception because the request meets the criteria for a special exception.

If the Board decides to grant the requested special exception with the following condition 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.
I. **Issue**  
The applicants propose to construct a second story above an existing one story side yard addition located at 31 E. Maple Street. The new addition is located in the required west side yard and requires approval of a special exception.

II. **Background**  
The subject property is one lot of record with 40.00 feet of frontage facing East Maple Street, and a depth of 115.00 feet along the east and west side property line. The property contains 4,600 square feet of lot area. A one story single-family dwelling currently occupies the property. The existing house is 10.10 feet from the east side property line, 3.50 feet from the west side property line and is located 11.90 feet from the front property line facing East Maple Street. According to real estate assessment records, the house was constructed in 1918.

III. **Description**  
The applicants propose to construct a second story over an existing one-story side yard addition. The existing one-story side yard addition measures 6.20 feet by 11.80 feet and totals approximately 73.16 square feet. The proposed second story will have the same footprint and will measure approximately 20.50 feet in height from the midpoint of the gabled roof. The addition will continue to be located 3.50 feet from the west side property line. The second story that is being built over the main dwelling will comply with the setback ratios as defined in the R-2-5 zone and does not require a special exception. Because the applicants are expanding in height the existing side yard addition wall (classified as a noncomplying wall), the proposed second story is eligible for a special exception.
The applicants state they will demolish the existing garage to accommodate the new renovation and second floor improvements.

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-2-5 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.

V. **Requested Special Exception:**

3-506(A) (2) Side Yard, (West)

The applicants request a special exception of 3.50 feet from the required west side setback of 7.00 feet (based on a building height of 20.50 feet from the midpoint of gable to grade of the proposed second story addition facing the west side property line).

VI. **Noncomplying Structure/Substandard Lot**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Existing</th>
<th>Noncompliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>5,000 sq. ft.</td>
<td>4,600 sq. ft.</td>
<td>400 sq. ft.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>50.00 feet</td>
<td>40.00 feet</td>
<td>10.00 feet</td>
</tr>
<tr>
<td>Side Yard (West)</td>
<td>7.00 feet</td>
<td>3.50 feet</td>
<td>3.50 feet</td>
</tr>
</tbody>
</table>

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 Conclusion**
The subject lot is a substandard lot in that it does not meet the minimum lot size and lot width for an R-2-5 zoned single-family lot. The existing condition is similar to the adjacent lots to the east and west.

The proposed second story side yard addition will continue to be located 3.50 feet from the west side yard property line and is being constructed to accommodate a new staircase that will be used to access the new second floor.

Similar properties in the immediate area have small one and two-story additions facing the side property lines. In Staff’s opinion, the proposed second floor addition will be in character with other nearby homes and is compatible with neighborhood.

Staff believes that the applicants’ property meets the test for a special exception. The proposed design when viewed from the street will not unduly exacerbate existing conditions on the lot nor negatively impact the neighborhood character.

Staff **recommends approval** of the request for special exception.
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 8-1-22 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 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)

R-6 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-7 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. Insufficient information has been provided to make that determination at this time. In summary, City Code Section 8-1-22(d) requires that a grading plan be submitted to and approved by T&ES prior to the issuance of building permits for improvements involving:
• the construction of a new home;
• construction of an addition to an existing home where either
  • the addition exceeds the area of the existing building footprint by 100% or more;
  • or, the construction of the addition results in less that 50% of the existing
first floor exterior walls, in their entirety, remaining;
• changes to existing grade elevation of 1-foot or greater;
• changes to existing drainage patterns;
• land disturbance of 2,500 square feet or greater.
Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 838-4318. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link.

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).

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.

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.8-1-22)

C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3)

C-5 Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25)

C-6 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)

Code Administration:
C-1 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.

C-2 Additions and Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).

C-3 Additions and Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
C-4  Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

C-5  Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.

C-6  A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

C-7  A new certificate of occupancy is required.

C-8  All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.

C-9  Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

Recreation (Arborist):
F-1  No trees are affected by this plan.

Historic Alexandria (Archaeology):
F-1  There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

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.
IX. Images
APPLICATION
BOARD OF ZONING APPEALS
SPECIAL EXCEPTION FOR ADDITIONS

Section of zoning ordinance from which request for special exception is made:
3-508(A)(2) Side yards.

PART A

1. Applicant: [✓] Owner [ ] Contract Purchaser [ ] Agent

   Name  Robert & Katie Williams
   Address  31 East Maple Street, Alexandria, VA 22301

   Daytime Phone  703-231-7542
   Email Address  robwilliams97@gmail.com

2. Property Location  31 East Maple Street, Alexandria, VA 22301

3. Assessment Map # 053-04-13-00 Block 24 Lot 8 Zone R-2-5

4. Legal Property Owner Name  Robert & Katie Williams
   Address  31 East Maple Street, Alexandria, VA 22301
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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Percent of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. N/A</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
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<td>3.</td>
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</tbody>
</table>

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 31 East Maple Street, Alexandria, VA 22301 (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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Percent of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Robert J. Williams</td>
<td>31 East Maple Street, Alexandria, VA 22301</td>
<td>100</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
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</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Name of person or entity</th>
<th>Relationship as defined by Section 11-350 of the Zoning Ordinance</th>
<th>Member of the Approving Body (i.e. City Council, Planning Commission, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. N/A</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
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</tbody>
</table>

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.

2/25/10  Robert P. Williams

Date  Printed Name  Signature
5. Describe request briefly:

We are requesting a special exception to add a one-story addition to a small, pre-existing bump-out
on the right side of our house that it is not in compliance with the existing side yard setback.

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?

N/A

[ ] 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(8) 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:

Robert P. Williams
Print Name
703-231-7542
Telephone

Signature
2/24/10
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).

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.
   Our one-story addition is intended to provide additional living space and closet space that we desperately need. Our existing house is small, totaling 877 square feet of finished living space, and it lacks a proper closet anywhere in it. Because the house is narrow, finding space on the first floor in which to locate the staircase to the second floor was exceedingly difficult. The small bump-out, which currently makes up part of the master bedroom, is the only place in which we can locate the stairs without significantly compromising the house's layout. Granting the proposed special exception to allow for placement of the staircase would meet our needs.

2. Explain if the special exception, if granted, will harm adjoining properties or impact the neighborhood in any way.
   Granting a special exception for an addition to the existing bump-out would not harm any adjoining properties. The existing bump-out is small and unimposing, at only 6.2 by 11.8 feet, and the construction plan does not increase the footprint of the bump-out in any way; it merely increases it in height to accommodate headroom for a staircase. The bump-out faces a driveway, and therefore there is roughly 14' between the farthest edge of the bump-out and our neighbor's house.

3. Explain how the proposed addition will affect the light and air to any adjacent property.
   The one-story addition to the existing bump-out will not significantly affect the light and air to any adjacent property. The existing bump-out is small, at only 6.2 by 11.8 feet, and the construction plan does not increase the footprint of the bump-out in any way. The proposed bump-out also will be lower in height than the roof of the second story addition. The bump-out faces a driveway, and there is 14' between the farthest edge of the bump-out and our neighbor's house.

4. Explain how the proposed addition is compatible with other properties in the neighborhood and the character of the neighborhood as a whole.
The proposed addition is compatible with other properties in Rosemont and the character of the neighborhood as a whole because we gave careful consideration to the architectural history of the neighborhood and intentionally developed an arts and crafts design plan that would be consistent with the neighborhood. In developing our plans, we visited the special collections at Barrett Library to learn as much as we could about the history of Rosemont and the architectural styles that define it. We read many books on arts & crafts design and took many walks around the neighborhood to observe the prevalent design features. The design plan we created is patterned after several other existing Rosemont houses.

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

We extensively studied houses in the immediate area to make our design plan similar to them. For example, because an open front porch is a prevalent design feature in Rosemont, and was an original feature of our house that a previous owner had enclosed, we decided to restore the open front porch because we recognize that this feature is in keeping with the character of the neighborhood. We made this decision even though the open front porch will count against our FAR. Our design plan also includes architectural details consistent with the arts and crafts style to make it similar to traditional Rosemont houses.

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

The goal of our addition is to address our need for additional living space and to make the most efficient use of our existing space. Because the house is narrow, and a staircase consumes a significant amount of floor space, locating the staircase anywhere other than within the existing bump-out would significantly compromise the efficient use of first and second floor space, thereby defeating the goal of our addition.

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.**

The small existing bump-out directly faces our neighbor at 29 East Maple St., Kent Fee, and therefore he would be the property owner potentially affected by the special exception. Over the course of the last several months, we have discussed our plans for a second story addition with Mr. Fee and he has been supportive. In fact, Mr. Fee recommended a contractor for us to use. We intend to continue to keep Mr. Fee informed of our plans. None of our neighbors have objected to the proposed special exception. We have not requested any letters of support from our neighbors at this time.
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
   A2. Lot Size

B. Existing Gross Floor Area
   Existing Gross Area | Allowable Exclusions
   Basement 699.57 | Basement** 599.57
   First Floor 1005.74 | Stairways** 26.44
   Second Floor 0 | Mechanical** 0
   Three Floors 979.30 | Pervious/Garage** 200
   Two Floors 200 | Attic less than 5"** 979.30
   Total Gross 2764.61 | Total Exclusions 1805.31

C. Proposed Gross Floor Area (does not include existing area)
   Proposed Gross Area | Allowable Exclusions
   Basement 0 | Basement** 0
   First Floor 121.01 | Stairways** 138.78
   Second Floor 1087.10 | Mechanical** 17.17
   Third Floor 0 | Pervious/Garage** 85.54
   Estimated 518.81 | Attic less than 5"** 518.81
   Total Gross 1724.91 | Total Exclusions 758.3

D. Existing + Proposed Floor Area
   Existing + Proposed Area (add B1 and C1)
   D1. Total Floor Area (add B1 and C1) 4490
   D2. Total Floor Area Allowed by Zone (A2) 382

E. 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: Date: 3/11/10

Footnote:
*Floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-6, 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.
March 23, 2010

Mr. Mike Curry  
Chairman, Board of Zoning Appeals  
c/o Planning & Zoning  
301 King Street, Room 210C  
City Hall  
Alexandria, VA 22313  

Re: 31 East Maple Street  
Application for Special Exception of Non-complying Structure

Dear Mr. Curry,

It is my understanding that Rob and Kate Williams, the neighbors on the East side of my house, are applying for a special exception for an existing non-complying structure. I live at 29 East Maple Street.

They have explained to me that a bump-out on the West side of their house extends 3.5 feet into the minimum side yard setback of 7 feet and that they need to obtain the special exception to renovate their house including extending the non-complying part higher as part of a new stair. They have also told me that the footprint of the bump out will not increase and the roof of the bump out will not angle towards my house. A copy of the elevation drawing shown to me is attached for reference.

Based on the explanation and drawing mentioned above, I have no objections to their application.

Sincerely,

[Signature]

Kent Fee  
29 East Maple Street  
Alexandria, VA 22301  
703.739.0563

cc: file
Fwd: Support for home expansion project
Rob Williams

to:
peter.leiberg
03/24/2010 09:32 AM
Cc:
Julie.Fuerth
Show Details

Hi Peter. I'm forwarding a letter of support from our neighbors at 25 East Maple Street that I would like to be included in our docket packet to the Board. Please let me know if you have any questions.

Regards,
Rob

---------- Forwarded message ----------
From: Patrick Volz <Patrick.Volz@hilton.com>
Date: Tue, Mar 23, 2010 at 8:32 PM
Subject: Support for home expansion project
To: "robwilliams97@gmail.com" <robwilliams97@gmail.com>

To whom it may concern

My wife, Ellen Volz, and I live at 25 E. Maple St with our three children. We are two homes West of Rob and Kate Williams home which is located at 31 E. Maple St.

Ellen and I have been living in our current home for nearly 11 years. While we love the street and the neighborhood, there is always room for continued improvement. We have witnessed excellent home expansion projects over the years and strongly support it as it beautifies the neighborhood and sustains or improves overall home values.

Rob and Kate have reviewed their plans of the proposed addition with us. We share in their enthusiasm with the design as it incorporates the character of their existing home and the character of the street and neighborhood.

Due to work and travel, neither Ellen nor myself is able to participate in the hearing which reviews this project but we hope this letter conveys our spirited support.

Regards,

Patrick J. Volz
VP Operations Finance, The Americas

Hilton Worldwide

7930 Jones Branch Drive

McLean, VA 22102

United States of America

Office: 703-883-5452

Cell: 202-746-0713