

Docket Item #2
BZA CASE #2008-0001

Board of Zoning Appeals
February 14, 2008

ADDRESS: 100 EAST OAK STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: KELLEY AND DANNY ORGANEK, OWNERS

ISSUE: Special exception to construct a two-story addition and covered landing
16.40 feet from the front property line facing Wayne Street.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(1)	Front Yard (Wayne Street)	25.00 feet	16.40 feet	8.60 feet

BOARD OF ZONING APPEALS ACTION OF FEBRUARY 14, 2008: On a motion to approve by Mr. Hubbard, seconded by Mr. Allen, the special exception was approved by a vote of 5 to 0. Mr. Goodale had not yet arrived.

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

Speakers:

Kelly Organek, 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 a special exception, it should contain the conditions under the department comments. Special exceptions must also be recorded with the deed of the property in the City's Land Records Office prior to the release of a building permit.

(insert sketch here)

I. Issue

The applicants propose to construct a two-story addition and covered landing 16.40 feet from the front property line facing Wayne Street in line with the existing west wall of the dwelling.

II. Background

The subject property, a corner lot, is two lots of record with 50.00 feet of frontage facing East Oak Street and 100.00 feet of frontage facing Wayne Street. The property contains 5,000 square feet of lot area. The property abuts a 12.50 feet wide public alley along the north side property line. The property is substandard for a corner lot in the R-2-5 zone where the minimum lot size is 6,500 square feet and the minimum lot width is 65.00 feet.

The property is developed with a two-story dwelling with a one-story rear addition and open front porch located 15.70 feet from the front property line facing East Oak Street, 16.40 feet from the front property line facing Wayne Street, 24.20 feet from the north side property line and 4.90 feet from the east side property line. According to Real Estate Assessment records the house was constructed in 1930.

The applicants previously requested variances (BZA2007-0023, attached) to enlarge the existing front porch in the required front yard facing Wayne Street and reduce the required vision clearance area. The applicants withdrew the request and have revised their plans so that a variance is not required. The applicants propose to construct a second-story addition in compliance with the R-2-5 zone and a two-story addition and covered landing in line with the noncomplying west wall of the existing dwelling in the required front yard. Therefore, the applicants must request a special exception.

III. Description

The applicants propose to construct a second-story rear addition on top of the existing one-story rear portion of the home 7.00 feet from the east side property line, 24.2 feet from the north side property line and 25.00 feet from the front property line facing Wayne Street. The proposed second story addition measures 17.58 feet by 25.50 feet, totaling 448.29 square feet and will cantilever 2.00 feet toward the front property line facing Wayne Street over the existing one-story. The second-story addition will accommodate a master bedroom and bath. The height of the second-story addition facing the east side yard is 18.00 feet to the roof eave facing the east side yard and 22.80 feet to the midpoint of the gable roof facing the north side property line. The second-story addition complies with the R-2-5 requirements.

The applicants also propose to construct a two-story addition and covered landing in line with the west wall of the existing dwelling, 16.40 feet from the front property line facing Wayne Street and 36.33 feet from the north side property line. The first floor of the two-story addition measures 13.00 feet by 10.80 feet, while the second floor is slightly smaller (13.00 feet by 8.80 feet) to accommodate the cantilevered portion of the proposed second

story addition. The two-story addition measures 18.40 feet in height to the midpoint of the gable roof facing the north side yard and 21.00 feet in height to the roof eave facing the secondary front yard on Wayne Street. The addition will accommodate a mudroom with closet on the first floor and closets on the second floor. The proposed covered landing measuring 3.83 feet by 10.80 feet, totaling 41.36 square feet, is also located in line with the existing west side wall, 16.40 feet from the front property line facing Wayne Street and 32.50 feet from the north side property line. Because the applicants are proposing to alter one noncomplying wall located in the required front yard facing Wayne Street, the project is eligible for a special exception.

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 Potomac West Small Area Plan for residential land use.

V. Requested Special Exception:

3-506(A)(1) Front Yard (Wayne Street)

The applicants request a special exception from the required front yard setback facing Wayne Street of 25.00 feet. The proposed two-story addition with mudroom and covered landing will be located 16.40 feet from the front property line facing Wayne Street. The applicants request a special exception of 8.60 feet.

VI. Noncomplying structure

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side Yard (East)	7.00 feet	4.90 feet	2.10 feet
Front Yard (Wayne Street)	25.00 feet	16.40 feet	8.60 feet
Front Yard (East Oak Street)	25.00 feet	15.70 feet	9.30 feet
Vision Clearance	100.00 feet	79 feet +/-	21.00 feet +/-

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 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.
- 4) Whether approval of the special exception will alter the essential character of the area or zone.
- 5) Whether the proposal will be compatible with the development in the surrounding neighborhood.
- 6) 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 on the lot.

VIII. Staff Conclusion

The proposed two-story addition with mudroom and covered landing will not be located any closer toward Wayne Street than the existing dwelling. The gable roof of the addition facing Wayne Street is substantially lower than the roof of the existing dwelling and is unlikely to negatively impact the light and air to the surrounding properties. An inspection of the immediate neighborhood found that many two-story houses are located closer to the front property line than required by the R-2-5 zone.

The applicants have shown the plans to the most affected neighbors and state in their application that the neighbors plan to submit letters of support. The proposal is in keeping with the character of the neighborhood and is unlikely to have a negative impact on the adjacent properties or the neighborhood.

Therefore, staff **recommends approval** of the 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 An approved Plot Plan must be attached to the building permit application. The Plot Plan is required because the submitted documentation indicates that the area of the new building footprint exceeds the area of the existing building footprint by more than 100%.

In general, a Plot Plan is required when construction of a proposed addition:

- Results in a new building footprint that exceeds the area of the existing building footprint by 100% or more.
- Results in less than 50% of the existing first floor exterior walls, in their entirety, remaining. The walls must comprise the footprint of the existing building and shall be measured in linear feet. The remaining walls must remain as exterior walls. The definition of a first floor exterior wall is that it must have its finished floor surface entirely above grade.
- Results in land disturbance associated with the project of 2,500 square feet or greater in area. The disturbed area will be determined by adding a minimum of 10' to the perimeter of the building (or addition) footprint and calculating the area within the increased perimeter. In addition, a 10 foot wide access path from the edge of the disturbed area to the street or paved driveway must be included in the disturbed area calculation. Provision must be made for stockpile, staging, dumpsters and material storage areas within the limits of disturbance.
- Changes to existing grade elevation of 1-foot or greater.
- Changes to existing drainage patterns. (TES)

R-2 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.]. (TES)

R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (TES)

R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (TES)

- R-5 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. (TES)
- R-6 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (TES)
- R-7 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. (TES)

Code Enforcement:

- C-1 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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.

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.