

Docket Item #4
BZA CASE #2008-0008

Board of Zoning Appeals
April 10, 2008

ADDRESS: 715 GRANDVIEW DRIVE
ZONE: R-8, RESIDENTIAL
APPLICANT: PETER AND LYNNE KUHMERKER, OWNERS

ISSUE: Special exception to construct a two-story addition in the required east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard (East)	8.00 feet	7.50 feet	.50 feet

BOARD OF ZONING APPEALS ACTION OF APRIL 10, 2008: On a motion to approve by Ms. Lewis, seconded by Mr. Zander, the special exception was approved by a vote of 6 to 0. (Mr. Goodale arrived late and did not vote on this application.)

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

Speakers:

Peter Kuhmerker, owner, made the presentation

Deferred prior to the March 13, 2008 hearing by applicant.

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 Map Here

I. Issue

The applicants propose to construct a two-story addition 7.50 feet from the east side property line, in line with the existing building wall at 715 Grandview Drive.

II. Background

The subject property is one lot of record with 60.00 feet of frontage facing Grandview Drive and 115.00 feet of depth. The property contains 6,900 square feet of lot area. The property is substandard as to lot size for an R-8 zoned property, where the minimum lot size is 8,000 square feet.

The property is developed with a two-story brick and frame dwelling with a rear screened porch. The dwelling is located 25.10 feet from the front property line, 6.50 feet from the west side property line, 7.50 feet from the east side property line and 39.50 feet from the rear property line. The house is noncomplying as to the required side yards, but complies with the prevailing setback along Grandview Drive and the required rear yard. According to Real Estate Assessment records the house was constructed in 1939.

III. Description

The applicants propose to construct a two-story rear addition in line with the existing east side wall. The proposed first floor will be set in from the property line 8.50 feet, in compliance with the required setback. However, the second-story portion of the addition will cantilever out towards the property line to be in line with the existing dwelling 7.50 feet from the property line. The proposed addition totals 252 square feet and will accommodate a laundry room on the first floor and a bathroom and closet on the second floor. The height of the two-story addition facing the east side property line is 16.00 feet to the roof eave, thus requiring the minimum 8.00 feet of setback from the east side property line. Because the applicants are altering one noncomplying wall, located in the required east side yard, 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-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Northridge/Rosemont Small Area Plan for residential use.

V. Requested Special Exception:
3-306(A)(2) East Side Yard

The applicants request a special exception of .50 feet from the required east yard setback of 8.00 feet.

VI. Noncomplying structure

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side Yard (East)	8.00 feet	7.50 feet	.50 feet
Side Yard (West)	8.00 feet	6.50 feet	1.50 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 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

An inspection of the immediate neighborhood revealed that many house have been constructed closer to the property lines than the current zoning permits. The proposed two-story addition is modest in size, does not exceed the height of the existing dwelling and is located in line with the existing east side building wall. Therefore, the addition is unlikely to negatively impact adjacent property owners.

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:

- F-1 An approved Plot Plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time. A Plot Plan will be required if construction of the 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.
- 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)

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 The Historical documents indicate that there were several Union encampments (2nd New Jersey, 1st and 2nd Connecticut Militia, 2nd and 4th New Jersey Militia, “Garibaldi” Guards) in the vicinity of this property during the Civil War. Although there is no known encampment at this location, it is possible that artifacts related to Union military activities could be discovered during construction activities.

- C-1 *The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) 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.

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

- C-3 The statements in archaeology conditions above marked with an asterisk (*) shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements. Additional statements to be included on the Final Site Plan will be determined in consultation with 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.