

Docket Item #1  
BZA CASE #2008-0014

Board of Zoning Appeals  
May 8, 2008

**ADDRESS:** 13 CEDAR STREET  
**ZONE:** R-5, RESIDENTIAL  
**APPLICANT:** GERALD AND SUSAN PATTERSON, OWNERS

**ISSUE:** Special Exception to construct a one-story rear addition and a covered open porch in required side yard setback.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard (West)	7.00 feet	4.23 feet	2.77 feet

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**BOARD OF ZONING APPEALS ACTION OF MAY 8, 2008:** On a motion to approve by Mr. Hubbard, seconded by Mr. Goodale, the special exception was approved by a vote of 5 to 0.

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

Speakers:

Ricardo Hendi, architect, 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.

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(insert sketch here)

**I. Issue**

The applicants propose to construct a rear one-story addition with sunroom and extend the existing wrap-around porch at the property located at 13 Cedar Street.

**II. Background**

The subject property is one lot of record with 50.00 feet of frontage facing West Cedar Street and a depth of 130.00 feet. The property contains 6,500 square feet of lot area and is complying as to the minimum lot area for an R-5 zoned lot where the minimum lot area is 5,000 square feet.

The existing single family dwelling is currently a noncomplying structure in that it does not comply with the front yard and west side yard setback requirements for the R-5 zone. The existing house, with an open front porch, is built 19.00 feet from the front property line facing Cedar Street, 4.70 feet from the west side property line and 9.00 feet from the east side property line. The R-5 zone requires a minimum side yard setback of 7.00 feet or one-third the building height; the required front yard setback is 25.00 feet. Based upon real estate assessment records, the house was constructed in 1918.

On February 8, 2001, the Board approved BZA #2001-0001, a variance to construct a two-story rear addition, a one-story screened porch and a mud room in the required west side yard, 3.00 feet from the west side property line. The Board found a hardship was demonstrated due to the unusual configuration of the lot and the proximity of the existing house to the west side yard. The applicants were unable to commence construction within one year and the variance expired.

On June 13, 2002, the Board approved BZA #2002-0042, a reapproval of the previous variance. Again, the applicants were unable to commence construction within one year and the variance expired.

**III. Description**

The applicants propose the following improvements to the existing dwelling are as follows:

1) Construct a one-story addition measuring 30.00 feet by 15.00 feet, totaling 450.00 square feet. The addition will be located 4.23 feet from the west side property line in line with the existing building wall and 29.50 feet from the east side property line. The overhang facing the west side property line will project 12 inches, as permitted by the zoning ordinance.

2) Construct a sunroom inline with the proposed addition and existing west building wall 4.23 feet from the west side property line. The proposed sunroom will measure 13.00 feet by 15.00 feet, totaling 195.00 square feet. The overhang on the proposed sunroom will project 12 inches, consistent with the overhang on the addition.

The addition and sunroom will continue to be in line with the existing noncomplying west side wall, therefore the application is eligible for a special exception.

3) Extend the existing wrap around porch on the east side of the dwelling and wrap around the rear of the proposed addition attaching to the proposed sunroom. The extension of the porch will be located 8.50 feet from the east side property line with, the overhang projecting 12 inches into the required east side yards as permitted by the Zoning Ordinance. The porch extension complies with zoning.

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

The freestanding, two-and-one-half-story brick, single-family dwelling located at 13 Cedar Street is listed on the National Register as a contributing resource to the Rosemont Historic District. According to the National Register nomination, this American foursquare was constructed circa 1910. A defining feature of the house is the front porch with oversized white columns that wrap around part of the east elevation. In 2001 and 2002, the applicant applied for a rear, two-story addition to the dwelling. BAR staff reviewed the proposed applications at the time and found the design to be architecturally compatible with and to have no adverse impact on the dwelling's status as a contributing resource to the historic district. The proposed one-story rear addition and extension of the porch on the east and north elevations will not adversely impact the dwelling's integrity. The proposed addition will not change the building's status as a contributing resource to the Rosemont Historic District listed on the National Register.

**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 Potomac West-Small Area Plan for residential land use.

**V. Requested Special Exception:**

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

The applicants request a special exception from the required west side yard setback of 7.00 feet. The proposed one-story addition with screened porch will be located 4.23 feet from the west property line. The applicants request a special exception of 2.77 feet for the addition and sunroom.

**VI. Noncomplying structure**

The existing building at 13 Cedar Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front	25.00 feet	19.00 feet	6.00 feet
Side Yard (West)	7.00 feet	4.23feet	2.77 feet
Side Yard (East)	7.00 feet	3.77 feet	3.23 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 homes were constructed prior to the current zoning and may be located closer to the property lines than currently allowed. Because the renovations will not extend above the first floor and much of the area under roof will be open porches and open areas under the overhangs, it is unlikely to negatively impact the light and air to adjacent properties. The application states that the neighbors are aware of and agree to the proposed changes.

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The proposed renovations are in character with the existing dwelling and the surrounding neighborhood. Therefore, the staff **recommends approval** of the proposed 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 Grading Plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time. A Grading 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 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 be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 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-3 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C-4 A soils report must be submitted with the building permit application.
- 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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-7 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As an alternative, a 2 hour fire wall may be provided.
- C-8 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).



- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

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

Historic Alexandria (Archaeology):

- F-1 Built around 1910, the house on this property is a contributing structure to the Rosemont Historic District. It is located in the vicinity of the site of a Union Army camp for the Pennsylvania Militia and the “Mozart” New York during the Civil War. The property therefore has the potential to yield archaeological resources that could provide insight into the military history of the City.
- 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 Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
- a. The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) 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.
  - b. The applicant/developer shall call Alexandria Archaeology (703/838-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
  - c. The applicant/developer 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.