

Docket Item #1
BZA CASE #2008-0022

Board of Zoning Appeals
July 10, 2008

ADDRESS: 207 CLIFFORD AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: DAVID PAOLICELLI, OWNER

ISSUE: Variance to build a second story over the existing building in the required vision clearance area.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
7-801 (A)	Vision Clearance	100.00 ft	75.00 ft	25.00 ft

BOARD OF ZONING APPEALS ACTION OF JULY 10, 2008: On a motion to approve as submitted with conditions by Mr. Goodale, seconded by Mr. Hubbard, the variance was approved by a vote of 6 to 1. Mr. Zander dissented.

CONDITIONS:

- (1) Replace vinyl siding with HardiPlank siding on all exterior walls.
- (2) Install either 3 over 1 or 2 over 1 Craftsman Style/Bungalow windows.
- (3) Do not demolish the existing front covered porch, porch roof, porch railings and columns.
- (4) Install cottage style front door.

Reason to approve: The applicant demonstrated a hardship due to the location of the existing house on the lot in the vision clearance triangle.

Dissenting Reason: The location of the existing house on the lot, in the vision clearance triangle is not unique.

Staff **recommends denial** of the request because the applicants have not demonstrated a hardship.

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If the Board decides to grant the requested variance staff recommends the following conditions be included to such approval as well as department comments:

- (1) Replace vinyl siding with hardi plank siding on all exterior walls.
- (2) Install either 3 over 1 or 2 over 1 Craftsman Style/Bungalow windows.
- (3) Install standing seam roof instead of asphalt shingle roof.
- (4) Do not demolish the existing front covered porch, porch roof, porch railings and columns.
- (5) Install cottage style front door.

The applicant is required to comply with the requirements listed under the department comments and 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 variance 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.



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07/10/08



I. Issue

The applicant proposes to construct a second story addition to improve their cape code style one and one-half story house at 207 Clifford.

II. Background

The subject property, a corner parcel, is one lot of record with a 50.00 frontage on Clifford Avenue, 105.00 of frontage facing Turner Road and a lot area of 5,250 square feet.

An existing one-one-half story single-family dwelling with a covered front porch and rear open deck is located 11.50 feet from the front property line facing Clifford Avenue, 9.80 feet east side yard property line, 15.30 feet from the west side property line and 35.00 feet from the south side property line. 207 Clifford Avenue is listed as a contributing resource and described as a frame bungalow, with a side gable roof, constructed c. 1920.



III. Description

The applicant wishes to build a second story over the existing first floor footprint facing Clifford Avenue and Turner Road. The total dimensions of the second story addition measures 24.64 feet by 41.00 feet and includes a two-story bay projection measuring 11.50 feet by 2.00 feet for a combined total of 1,034 square feet. The height of the addition is 21.50 feet when measured from grade to the eaves and 30.50 feet to the top of the roof ridge. The new second story will accommodate four bedrooms and two bathrooms.

The existing house and second floor addition will comply with the prevailing front setback facing Clifford Avenue and Turner Road. The house current projects into the required vision clearance triangle as determined by Clifford Avenue and Turner Road intersection (refer to attached plat).

Currently, the existing front porch which measures 8.00 feet by 24.80 feet (198 square feet) and approximately 320 square feet of the existing house project into the vision clearance triangle. The combine total of both the porch and portion of the house that project into the vision clearance triangle is 518 square feet. Approximately 29 percent of the current dwelling unit and the entire front porch are in the vision clearance.

The existing structure reduces the vision clearance triangle from the requirement of 100 feet to 75 feet.

This project is located within the boundaries of the Town of Potomac National Register of Historic Places Historic District. This area is not under the purview of local Boards of Architectural Review. At the time of the district's listing in 1992, 207 Clifford Avenue was listed as a contributing resource and described as a frame bungalow, with a side gable roof, constructed c. 1920.

The applicant is requesting a variance to construct a taller second story over the existing building footprint in the required vision clearance at the intersection of Clifford Avenue and Turner Road. In reviewing the project's drawings in respect to historic preservation planning philosophy, the addition of a second story over the first story will alter the appearance and character of the existing historic building in such a manner as to make the property no longer a contributing resource to the Town of Potomac National Register Historic District.

There have been no variances 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 identified in the Potomac West Small Area Plan for residential land use.

V. Requested variances

Section 7-801(A), Vision Clearance:

The applicant requests a variance from the required minimum 100.00 feet vision clearance requirement. The proposed second story will not reduce the vision clearance anymore than the existing house is now located at 75.00 feet. The applicant requests a reduction of 25.00 feet.

VI. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.

- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VII. Applicant's Justification for Hardship

The applicant's justification for hardship exists in the nature of the current dwelling unit. The majority of the house now projects into the vision clearance triangle. The owner has indicated that he cannot make the desired improvements based on the rules set forth in section 7-801(A) of the zoning ordinance.

VIII. Staff Analysis

Staff acknowledges that the existing house is built in the vision clearance triangle and predates this zoning requirement. However, there are other more significant factors at work that will significantly affect the residential and architectural character of this home in the Town of Potomac. By approving the variance, a major alteration and subsequent loss of a significant architectural structure will occur. More and more historic buildings in the Town of Potomac continue to be significantly altered and lost, further eroding the remaining historic structures in the Town of Potomac.

Staff believes the granting of the variance will be detrimental to the public and other properties in the neighborhood in which the subject property is located. The granting of the variance will diminish and impair the value of adjoining properties and the neighborhood. Finally, the granting of a variance will further alter the character of the Town of Potomac. The proposed second story will alter the appearance and character of

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the existing historic building in such a manner as to make the property no longer a contributing resource to the Town of Potomac National Register Historic District.

Staff **recommends denial** of the variance because the request does not meet the criteria for a variance. However, if the variance is granted staff recommends the following conditions be included:

- (1) Replace vinyl siding with hardi plank siding on all exterior walls.
- (2) Install 3 over 1 or 2 over 1 Craftsman Style/Bungalow windows.
- (3) Install standing seam roof instead of asphalt shingle roof.
- (5) Install cottage style front door
- (4) No demolition of the existing front covered porch, porch roof, porch railings and columns is permitted.

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)

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- 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 Additions and Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-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.
- C-7 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.

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- C-8 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-9 A soils report must be submitted with the building permit application.
- C-10 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-11 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.

Recreation (Arborist):

- F-1 No specimen 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.