

Docket Item #1
BZA CASE #2008-0035

Board of Zoning Appeals
November 13, 2008

ADDRESS: BZA CASE #2008-0035
ZONE: 2600 DAVIS AVENUE
APPLICANT: DAVID ALLEN AND CHRISTIANA LESLIE, OWNERS

ISSUE: Special exception to construct a rear two-story addition in the required south side yard property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard (South)	9.25 feet*	7.20 feet	2.05 feet

*Based on height of 18.50 feet as measured along the south side wall.

BOARD OF ZONING APPEALS ACTION OF NOVEMBER 13, 2008: On a motion to approve by Mr. Hubbard, seconded by Mr. Lantzy, 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:

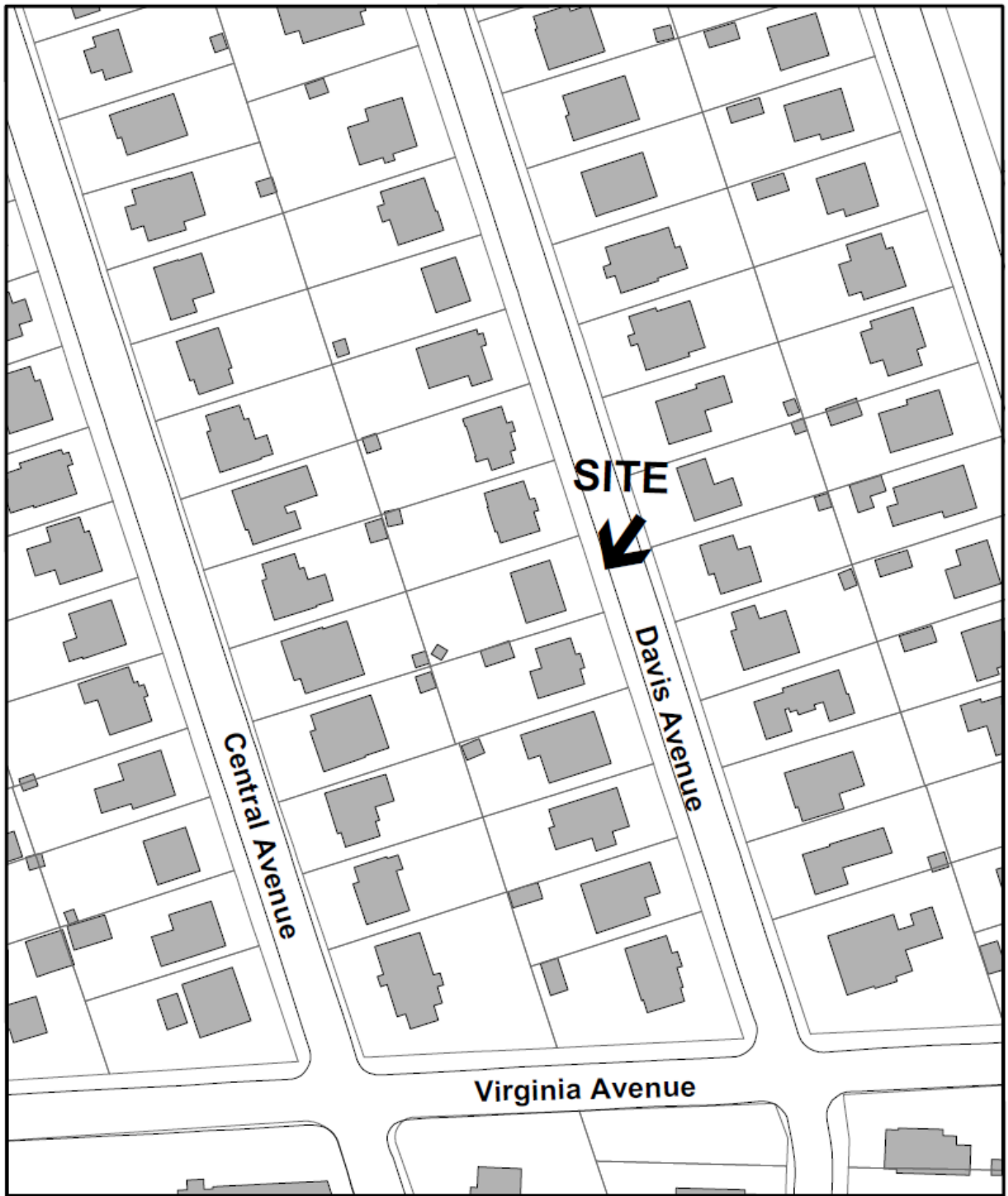
David Allen, owner, made the presentation.

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 or variance 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.

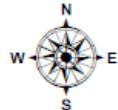
An approved grading plan may be required at the time of building permit application. If this application is approved, the applicant must contact the Department of Transportation and

Environmental Services prior to filing for a building permit. (Refer to Department comments at the end of this report for more detailed information.)



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11/13/08



I. Issue

The applicants propose to construct a two-story addition in line with the existing house located in the required side yard at 2600 Davis Avenue.



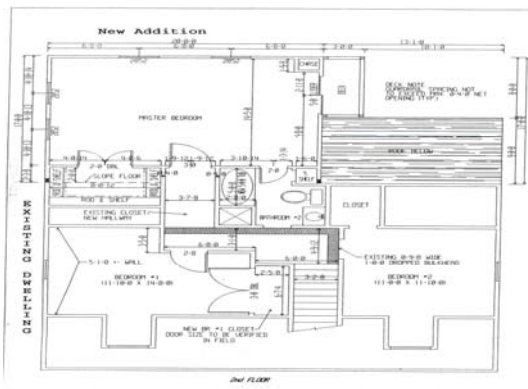
II. Background

The subject property is one lot of record with 50.00 feet of frontage on Davis Avenue and a depth of 115.00 feet and a lot area totaling 5,750 square feet.

An existing one and a half story single-family dwelling with basement is located 25.90 feet from the front property line facing Davis Avenue, 9.60 feet from the north side yard property line, and 7.20 feet from the south side yard property. Real Estate Assessment records indicate that the house was built in 1948.

III. Description

The applicants propose to build a two-story addition at the rear of the existing house where the south side building wall has a non-complying side yard setback of 7.20 feet. The two-story addition will be in line with the existing dwelling unit and will measure 17.00 feet by 20.00 feet for a total of 340.00 square feet and will also sit 7.20 feet from the side property line. The new addition will also be located 7.20 feet from the south side property line. The second floor addition when measured is approximately 18.50 feet in height from the roof eaves to grade. The proposed addition is eligible under the special exception due to the non-complying wall of the existing single-family house that is located 7.20 feet from the south side property line. The applicants request a special exception to reduce the south side required side yard from 9.25 feet to 7.20 feet. The following exhibits depict the existing and proposed house.



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 North Ridge/Rosemont Small Area Plan.

V. Requested Special Exception:

3-306(A)(2) Side Yard (South)

The applicants request a special exception from the required 9.25 foot side yard requirement, based on a building height of 18.50 feet. At its closest point the existing south building wall is 7.20 feet from the property line. The proposed second story addition will continue to be located 7.20 feet from the south side property line. The applicants request a special exception of 2.05 feet.

VI. Noncomplying structure

The existing building at 2600 Davis Avenue is a non-complying structure with respect to the following:

<u>Yard Provision</u>	<u>Required</u>	<u>Provide</u>	<u>Noncompliance</u>
Lot Size	8,000 sq. ft.	5,750	2,250 sq. feet
Lot Width	65.00 ft	50.00 ft	15.00 ft
Side Yard (South)	8.00 ft	7.20 ft	0.80 ft

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 similar in lot size and width to other lots on the block. An inspection of the immediate neighborhood revealed several homes with rear additions in line with the original building walls. Many of the homes appear to be built closer to the side property lines than the zoning rules currently permit. Staff believes that the design of the proposed addition will be modest and not alter the character of the neighborhood.

The addition is not likely to negatively impact the property to the south. The applicants indicate that they have spoken with the most affected neighbors, the property owners to the south and report that the neighbors have no objections to the proposed plans.

Staff believes that the applicants' property meets the standards for a special exception and therefore recommends approval of the request.

Staff **recommends approval** of the requested 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.

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 than 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. **<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>**

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 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-5 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 A soils report must be submitted with the building permit application.
- C-8 Additions and alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-9 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-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):

Comments not yet received.

Historic Alexandria (Archaeology):

F-1 Low potential. No archaeological action 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.