

Docket Item #2
BZA CASE #2008-0036

Board of Zoning Appeals
November 13, 2008

ADDRESS: 229 ADAMS STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: STEVE AND KELLEY HEARNE, OWNERS, BY CHRISTINE
LEONARD, ARCHITECT

ISSUE: Special exception to construct a new gable roof with a rear dormer on an existing garage located in the required east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (East)	7.00 feet*	5.90 feet	1.10 feet

*Based on a building height of 20.00 feet to the midpoint of side of the shed dormer facing the east side yard a minimum setback of 7.00 feet is required.

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

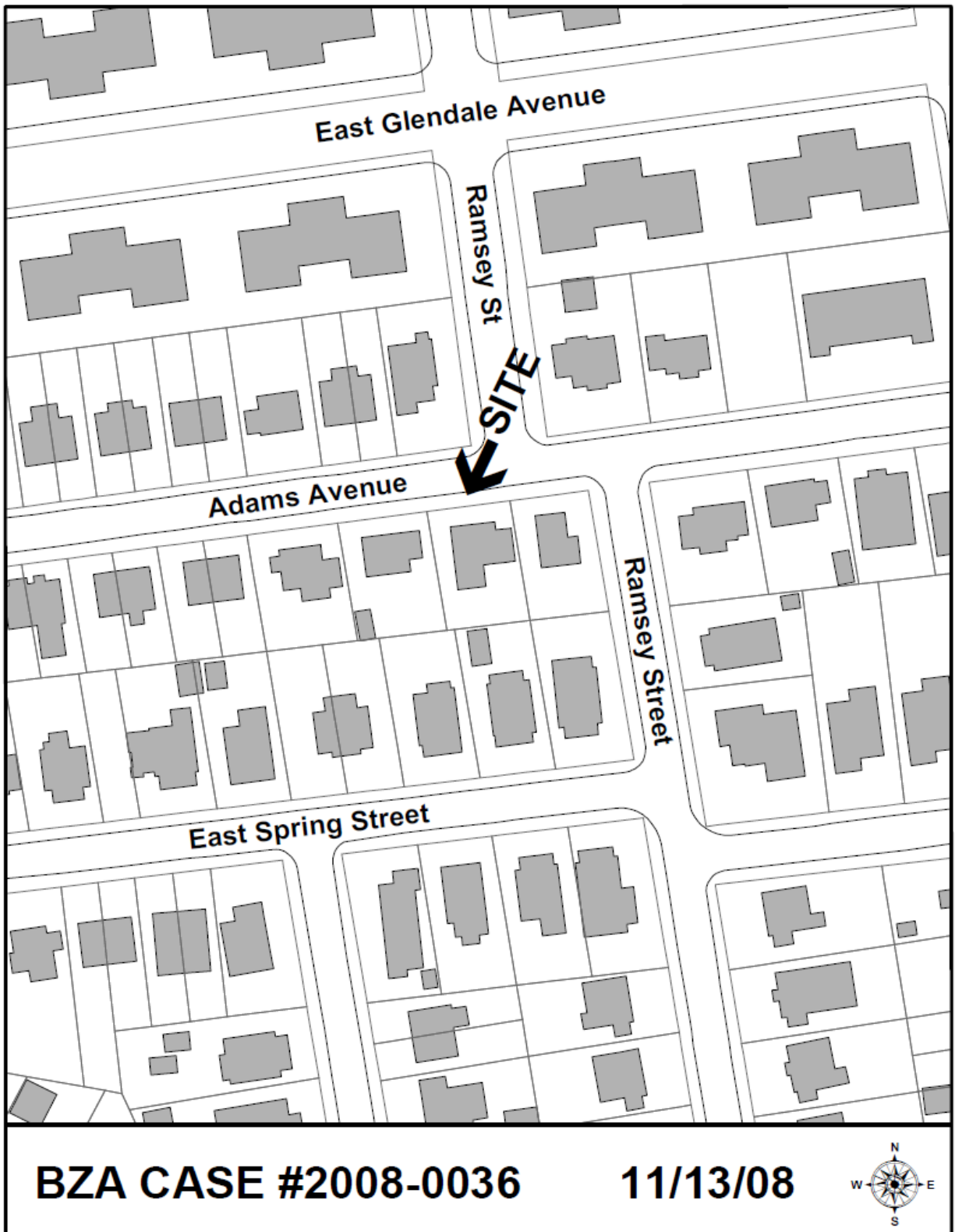
Speakers:

Christine Leonard, architect, made the presentation.

The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

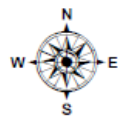
If the Board decides to grant the requested special exception or variance it must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming 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 new gable roof with a rear dormer on an existing garage located in the required east side yard and a new front portico at 229 Adams Avenue. The new front portico does not require a variance or special exception, however, the new gable and rear dormer require approval of a special exception.

II. Background

The subject property is two lots of record with 55.00 feet of frontage facing Adams Avenue, a depth of 82.26 feet along the west side property line and 83.08 feet along the east side property line. The property contains 4,510 square feet of lot area. The subject is noncomplying as to the minimum lot area in the R-2-5 zone, where the minimum lot area is 5,000 square feet. The lot complies with lot width and frontage for an R-2-5 zoned property.

The lot is developed with a two-story with basement single family dwelling located 14.70 feet from the front property line, 9.70 feet from the west side property line, 5.90 feet from the east side property line and 61.00 feet from the rear property line. According to real estate records the house was constructed in 1945.

III. Description

The applicants propose to construct a raised gable roof with a rear dormer above the existing garage 5.90 feet from the east side property line and behind the existing front building wall which complies with the established setback along the south side of Adams Avenue between Ramsey Street and Newton Street. The added area on the second floor above the garage will accommodate a storage closet and will measure 10.00 feet by 12.66 feet, totaling 126.60 square feet. The height of the raised gable and shed dormer measures 20.00 feet from grade to the midpoint of the dormer facing the east side property line. A minimum setback of 7.00 feet from the east side property line is required. The applicants must request a special exception of 1.10 feet to expand the existing noncomplying garage in the required east side yard.

The applicants are also proposing to construct a new front portico facing Adams Avenue. The proposed portico will measure 8.66 feet by 6.00 feet a total of 59.96 square feet. The proposed portico will be located 8.70 feet from the front property line and meets the definition of a portico which is permitted within a required yard and is eligible for exclusion from the floor area ratio calculations.

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 use.

V. Requested Special Exception:

3-506(A)(2) Side Yard (East)

The applicants request a special exception of 1.10 feet from the required east side yard setback of 7.00 feet, the minimum side yard setback required in the R-2-5 zone.

IV. Noncomplying Structure

The existing building at 229 Adams Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (East)	7.00 feet*	5.90 feet	1.10 feet
Lot Area	5,000 sq ft	4,510 sq ft	490 sq ft

*Minimum side yard setback for single-family dwellings in the R-2-5 zone.

Prior to the infill regulations approved on June 25, 2008, the existing dwelling was noncomplying with respect the 25.00 foot required front yard. The dwelling which is located 14.70 feet from the front property line appears to comply with the average setback along the south side of Adams Avenue between Ramsey Street and Newton Street and is no longer noncomplying as to the required front yard.

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 appear to be built closer to the side property lines than the zoning regulations currently permit. The proposed raised gable and rear dormer are minor alterations which appear to be in character with the existing dwelling and the neighborhood. The proposed construction does not exceed the height of the existing dwelling and is in line with the existing garage wall and therefore is unlikely to negatively affect the light or air to the adjacent property.

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 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:

- F-1 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.
- C-1 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-2 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-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 A soils report must be submitted with the building permit application.
- C-6 Additions and alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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-8 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):

Comments not 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.