

Docket Item #2  
BZA CASE #2008-0037

Board of Zoning Appeals  
December 11, 2008

**ADDRESS:** 106 ADAMS AVENUE  
**ZONE:** R-2-5, RESIDENTIAL  
**APPLICANT:** MARSHA AND TIM SULLIVAN, OWNERS

**ISSUE:** Special exception to enclose and extend an existing open side porch in the required east side property line.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (East)	7.00 feet*	5.60 feet	1.40 feet

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\*Based on a building height of 11.90 feet to the ridge of the side porch facing the east side yard a minimum setback of 7.00 feet is required.

**BOARD OF ZONING APPEALS ACTION OF DECEMBER 11, 2008:** On a motion to approve by Mr. Goodale, seconded by Mr. Allen, 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:

Tim Sullivan, owner and Jason Evans, architect, made the presentation.

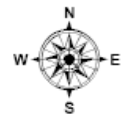
The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

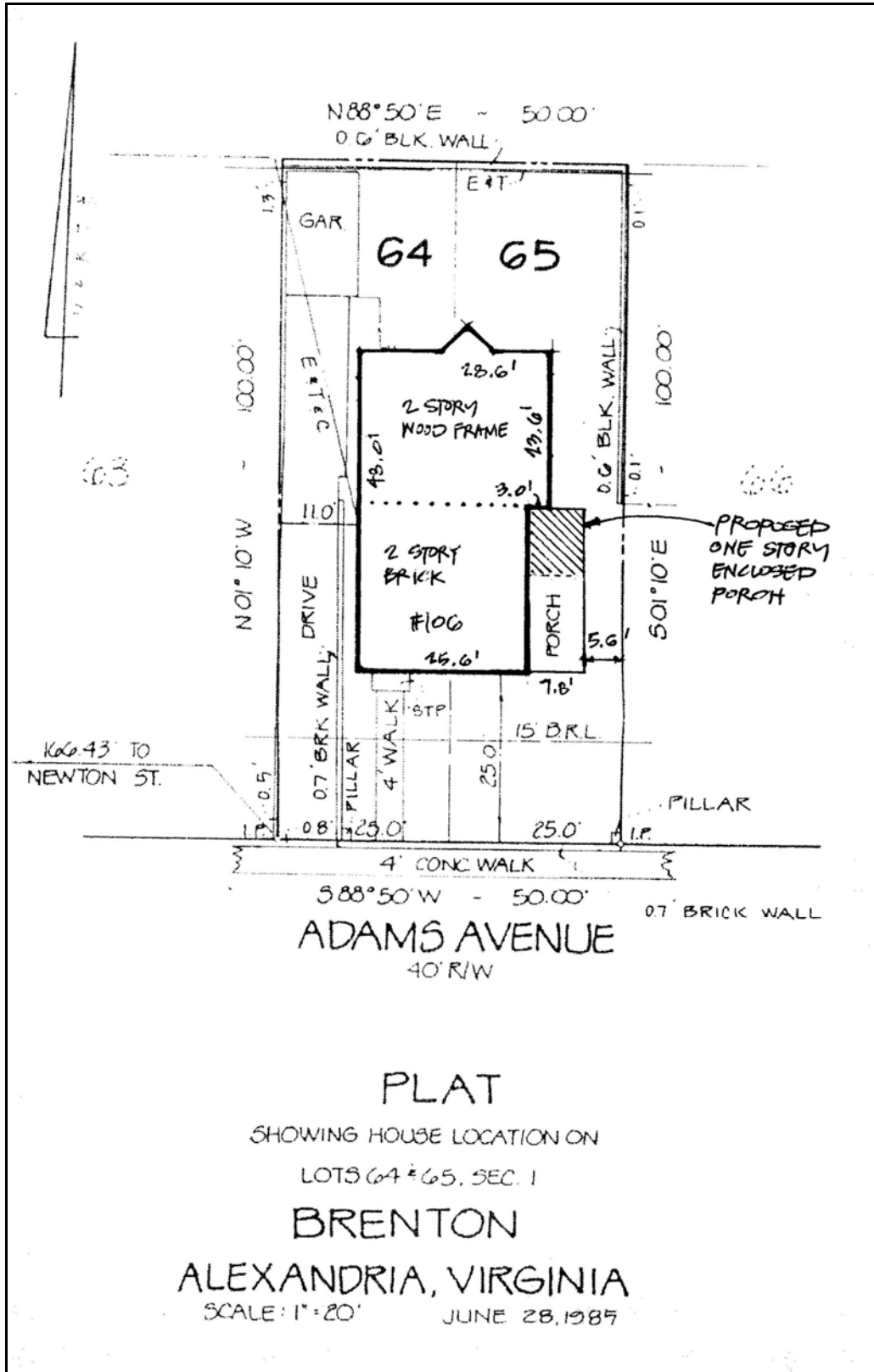
If the Board decides to grant the requested special exception or variance it must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming 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.



BZA CASE #2008-0037

12/11/2008





**I. Issue**

The applicants propose to enclose and extend an existing one-story open side porch in the required side yard at 106 Adams Avenue.

**II. Background**

The subject property is one lot of record with 50.00 feet of frontage facing Adams Avenue and a depth of 130.00 feet. The property contains a total of 6,500 square feet of lot area. The property complies with the minimum lot width, frontage and area required in the R-2-5 zone.

The lot is developed with a two-story single family dwelling with an open, covered side porch on a concrete foundation located 5.60 feet from the east side property line, 11.00 feet from the west side property line, 25.00 feet from the front property line facing Adams Avenue and 24.00 feet from the rear property line. As indicated on the submitted survey, the existing house is located within the required east side yard. Based on a building height of 11.90 feet to the eave of the porch, a setback of 7.00 feet is required from the east side property line. The existing dwelling complies with the required west side and rear yard setbacks. According to real estate assessments the house was constructed in 1938.

**III. Description**

The applicants propose to enclose the existing covered side porch and build a one story addition in line with the side porch 10.92 feet towards the rear yard and 5.60 feet from the east side property line. The existing front building wall complies with the established setback along the north side of Adams Avenue between Newton Street and Wayne Street. The new floor area will accommodate a bedroom and will measure 10.92 feet by 7.83 feet, totaling 86.27 square feet. The height of the addition will stay in line with the existing porch and measures 11.90 feet from grade to the ridge facing the east side property line. A minimum setback of 7.00 feet from the east side property line is required. The applicants request a special exception of 1.40 feet to expand the existing noncomplying porch wall facing the required east side yard.

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)

Based on a building height of 11.90 feet from the eave of the side porch, a side yard of 7.00 feet is required. The existing east building wall is located 5.60 feet from the east side property line. The applicants request a special exception of 1.40 feet from the required east side yard.

**VI. Noncomplying structure**

The existing building at 106 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*	5.60 feet	1.10 feet

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

**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 one-story addition will 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 porch foundation and therefore is unlikely to negatively affect the light or air to the adjacent property. The immediately adjoining building is located 16.50 feet from the proposed addition.

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:

- 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.



C-9 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.

Recreation (Arborist):

No comments received.

Historic Alexandria (Archaeology):

F-1 There is low potential for this project to disturb significant archaeological resources. 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.