

Docket Item #3
BZA CASE #2008-0038

Board of Zoning Appeals
December 11, 2008

ADDRESS: 607 NORTH OVERLOOK DRIVE
ZONE: R-8, RESIDENTIAL
APPLICANT: MEG LUNDSAGER AND JOHN BAKER, OWNERS

ISSUE: Special exception to construct a second story addition in the required east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-3-6(A)(2)	Side Yard (East)	8.83 feet*	8.00 feet	.83 feet

*Based on a building height of 17.66 feet to the eave of the roof facing the east side yard.

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:

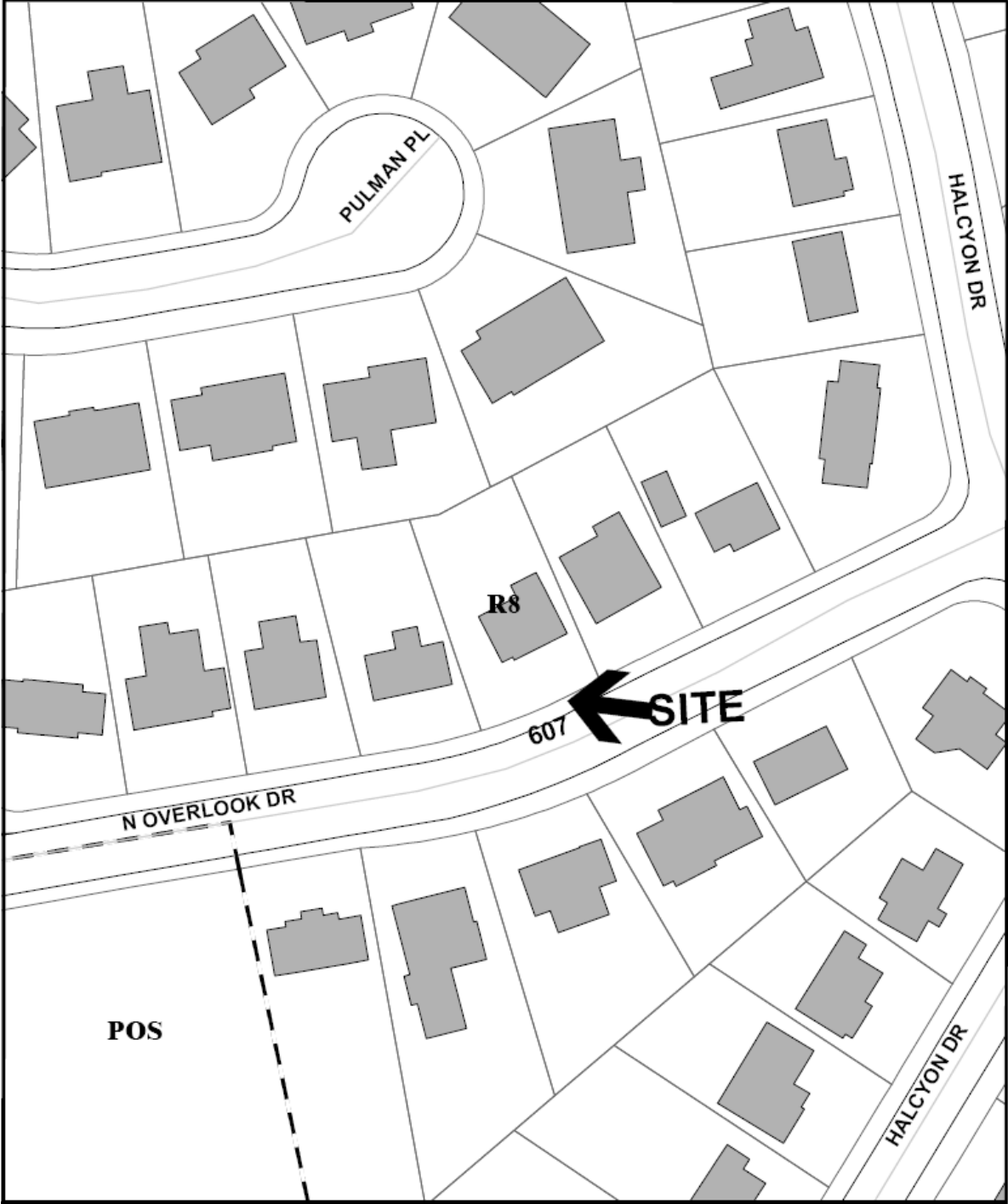
Laura Campbell, architect, made the presentation.

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 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.

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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.)

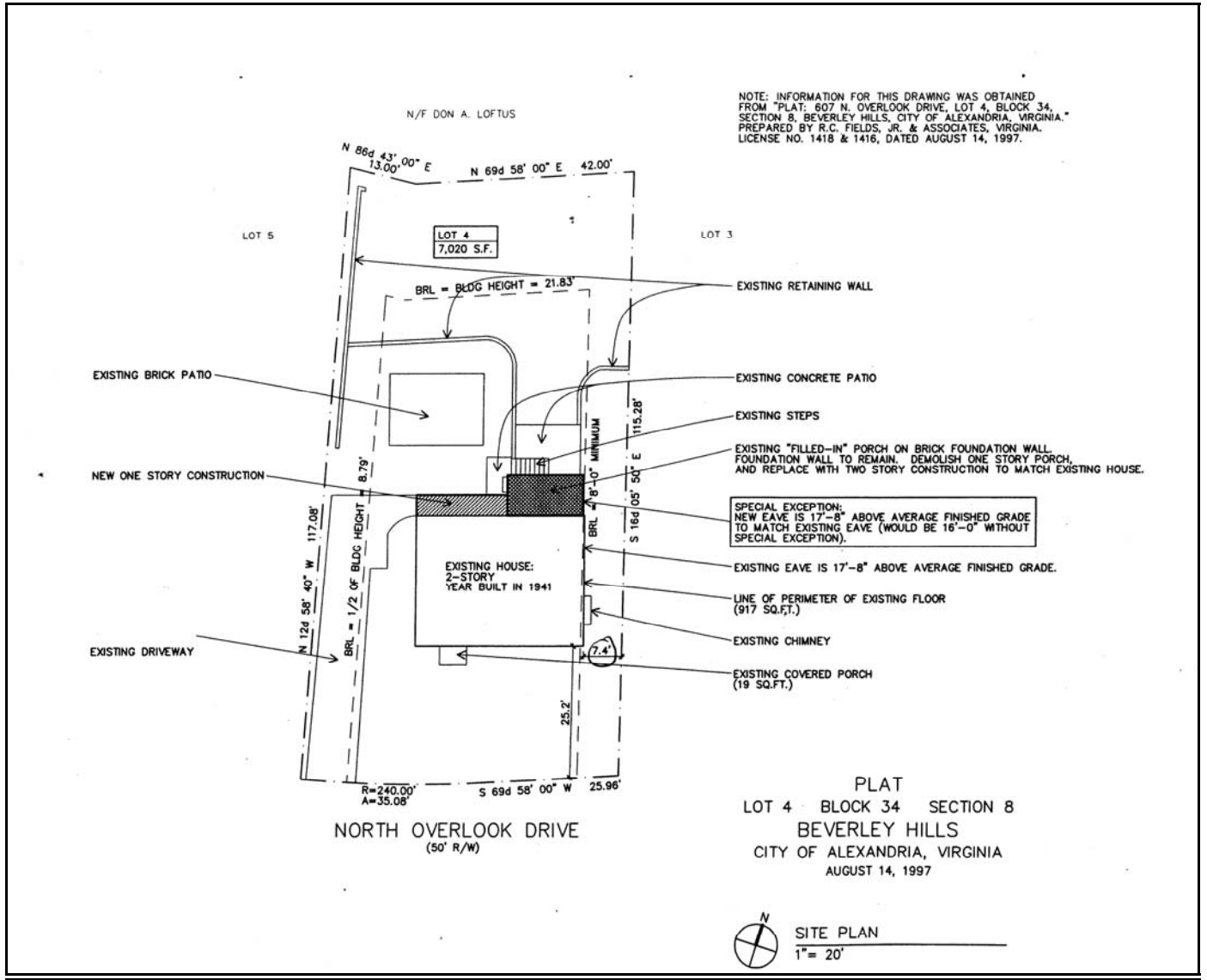


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I. Issue

The applicants propose to construct a rear two-story addition with basement and a rear one-story addition at 607 North Overlook Drive. Only the two-story addition requires a special exception.

II. Background

The subject property is one lot of record with 61.00 feet of frontage facing North Overlook Drive, a depth of 117.08 feet along the west side property line and 115.28 feet along the east side property line. The rear property line measures 55.00 feet. The property contains 7,020 square feet of lot area. The subject property is substandard as to the 8,000 square foot minimum lot area required for an R-8 zoned property. The lot complies with the lot width and frontage for an R-8 zoned property. The property slopes down towards the rear property line.

The lot is currently developed with a two-story with basement single family dwelling located 25.20 feet from the front property line, 18.50 feet from the west side property line, 7.40 feet from the east side property line and 64.00 feet from the rear property line. According to real estate records the house was constructed in 1941.

III. Description

The applicants propose to construct a two-story addition with basement across the eastern portion of the rear of the existing dwelling. An existing one-story rear addition will be demolished with only the foundation remaining. The new two-story addition will be located 8.00 feet from the east side property line on the existing foundation in line with the existing east side building wall, which angles slightly toward the east side property line as it nears the front building wall. The addition will accommodate a larger dining room on the first floor and a larger master bedroom on the second floor. Each floor measures 15.00 feet by 8.00 feet, totaling 120 square feet on each floor. The height of the new two-story addition will measure 17.66 feet from average finished grade, in line with the existing second story roof eave facing the east side property line, which based on a setback ratio of 1 foot of setback for each 2 feet of the building height or minimum of 8.00 feet, whichever is greater. Based on a building height of 17.66 feet to the roof eave the required setback from the east side property line is 8.83 feet. Therefore, the applicants must request a special exception to construct the addition 8.00 feet from the east side property line.

The applicants also propose to construct a one-story addition across the western portion of the rear of the existing dwelling. The one-story addition will be located 18.50 feet from the west side property line. The roof will tie in with the existing gabled roof and measures 16.00 feet measured from average grade to the midpoint of the gable. The one-story addition will accommodate an expansion to the existing kitchen and a study. The addition will measure 17.00 feet by 4.00 feet, totaling 68 square feet. The proposed one

story rear addition complies with the R-8 zone required setback facing the west side property line.

Upon completion of the work, the proposed additions and 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 the North Ridge/ Rosemont Small Area Plan for residential use.

V. Requested Special Exception:

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

The applicants request a special exception of .83 feet from the required east side yard setback of 8.83 feet (based on a building height of 17.66 feet to the roof eave of the proposed two-story addition facing the east side property line).

VI. Noncomplying structure

The existing building at 607 North Overlook Drive is a noncomplying structure with respect to the following:

Yard	Required	Existing	Noncompliance
Side (East)	8.83 feet*	7.40 feet	1.43 feet

*Based on a building height of 17.66 feet to the eave of the roof facing the east side yard.

Prior to the infill regulations approved on June 25, 2008, the existing dwelling was noncomplying with respect the 30.00 foot front yard required in the R-8 zone. The dwelling which is located 25.20 feet from the front property line appears to comply with the average setback along the north side of North Overlook Drive between Halcyon Drive and the dead end street to the west. The building 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

The subject lot is substandard as to lot size, but similar to many other lots on the block and in the surrounding neighborhood. An inspection of the immediate neighborhood revealed several homes with 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 regulations currently permit.

The two-story rear addition is in character with the neighborhood. The proposed two-story addition is in line with the height and east side wall of the existing dwelling. It is not likely that the proposed additions will negatively impact the light or air the adjacent property to the east.

Therefore, 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 This project should involve minimal ground disturbance so 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.