

Docket Item #2  
BZA CASE #2008-0040

Board of Zoning Appeals  
February 12, 2009

**ADDRESS:** 106 EAST MAPLE STREET  
**ZONE:** R-2-5, RESIDENTIAL  
**APPLICANT:** BRUCE AND MARGARET GRATHWOHL, OWNERS

**ISSUE:** Special exception to construct a one-story addition in the required east side yard property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A) (2)	Side Yard (East)	7.00 feet*	4.80 feet	2.20 feet

\*Based on a building height of 9.50 feet to the eave of the roof facing the east side yard.

**BOARD OF ZONING APPEALS ACTION OF FEBRUARY 12, 2009:** On a motion to approve by Ms. Lewis, seconded by Mr. Goodale the special exception was approved by a vote of 7 to 0.

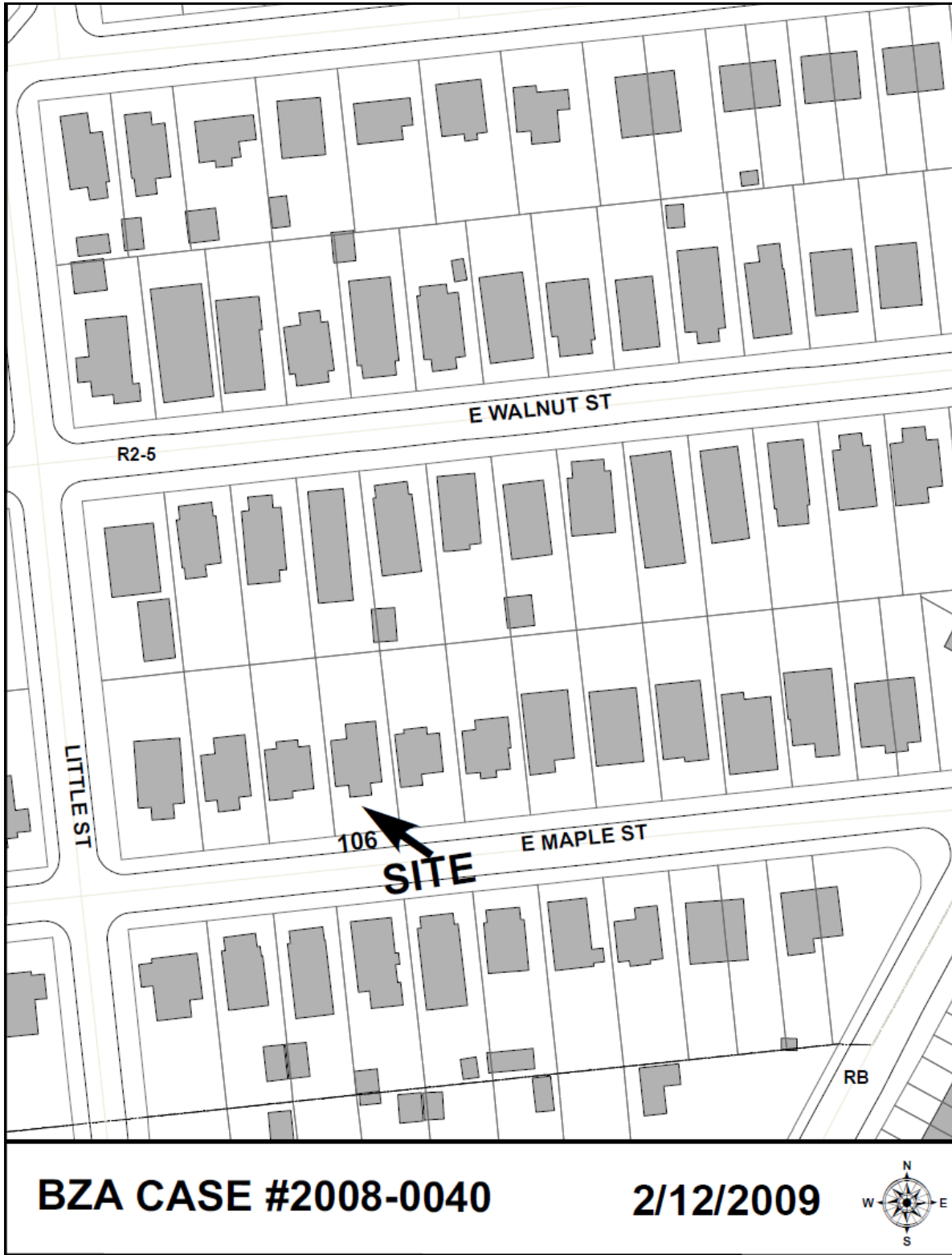
Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Ricardo Contreras, contractor, 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.



**I. Issue**

The applicants propose to construct a rear one-story addition with basement at 106 E. Maple Drive.



**II. Background**

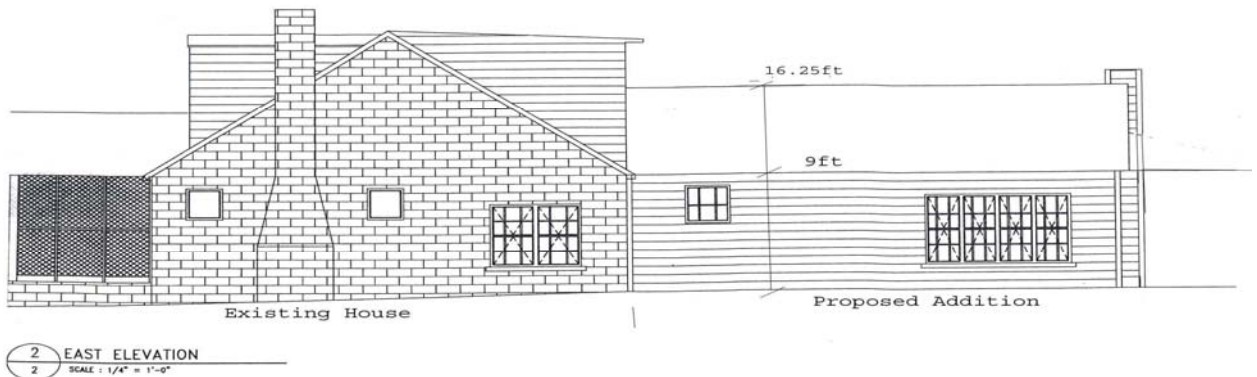
The subject property is one lot of record with 40.00 feet of frontage facing East Maple Street, a depth of 110.00 feet along the east and west side property line. The property contains 4,400 square feet of lot area. The subject property is substandard as to the 5,000 square foot minimum lot area required for an R-2-5 zoned property.

The lot is currently developed with a one and three-quarter story single family dwelling located 29.80 feet from the front property line, 8.00 feet from the west side property line, 4.80 feet front the east side property line and 43.70 feet from the rear property line.

According to real estate records, the house was constructed in 1935.

**III. Description**

The applicants propose to construct a one-story rear addition that measures 26.20 feet by 28.08 feet, totaling approximately 735.69 square feet. The sloped roof measures approximately 16.25 feet at its highest point and 9.50 feet in height at the side-yard eave. The addition will be located 4.80 feet from the east side property line, 8.00 feet from the west side property line and 26.00 feet from the rear property line. Because the applicants are extending only one noncomplying wall, the east side wall, the proposed addition is eligible for a special exception.



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 the Potomac West Small Area Plan

**V. Requested Special Exception:**

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

The applicants request a special exception of 2.20 feet from the required east side setback of 7.00 feet (based on a building height of 9.00 feet to the roof eave of the proposed one-story addition facing the east side property line).

**VI. Noncomplying structure**

The existing building at 106 East Maple Street is a noncomplying structure with respect to the following:

<u>Lot Requirement</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Lot Size	5,000 sq. ft	4,400 sq. ft	600 sq. ft
Lot Width	50 ft	40 ft	10 ft
Side Yard (East)	7.00 ft	4.80 ft	2.20 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**

Staff believes the proposed one-story addition meets the criteria for a special exception. It is unlikely that the one-story rear addition will negatively impact the adjacent properties or reduce light and air to those abutting properties. The maximum height of the proposed addition is limited to one-story less than the height of the existing house. The proposed design is compatible the existing architecture and with the neighborhood character. Therefore, 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:

R-1 An approved Grading Plan must be attached to the building permit application. The Grading Plan is required because the addition exceeds the area of the existing building footprint by 100% or more.

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-2 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-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

R-4 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-5 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-6 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-7 Compliance with the provisions of Article XIII of the City's zoning ordinance for storm water quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)

Code Administration:

- 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 Additions and Alterations to the existing structure must comply with the 2006 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 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-7 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-8 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

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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 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.