

Docket Item #2
BZA CASE #2009-0009

Board of Zoning Appeals
June 11, 2009

ADDRESS: 5438 COLFAX AVENUE
ZONE: R-20, RESIDENTIAL
APPLICANT: DORIS BOVENSCHULTE, OWNER

ISSUE: Special exception to enlarge an existing garage in the required west side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-106(A)(2)	Side (East)	12.00 feet	8.00 feet	4.00 feet

BOARD OF ZONING APPEALS ACTION OF JUNE 11, 2009: On a motion to approve by Mr. Hubbard, seconded by Mr. Allen, the special exception was approved by a vote of 6 to 0.

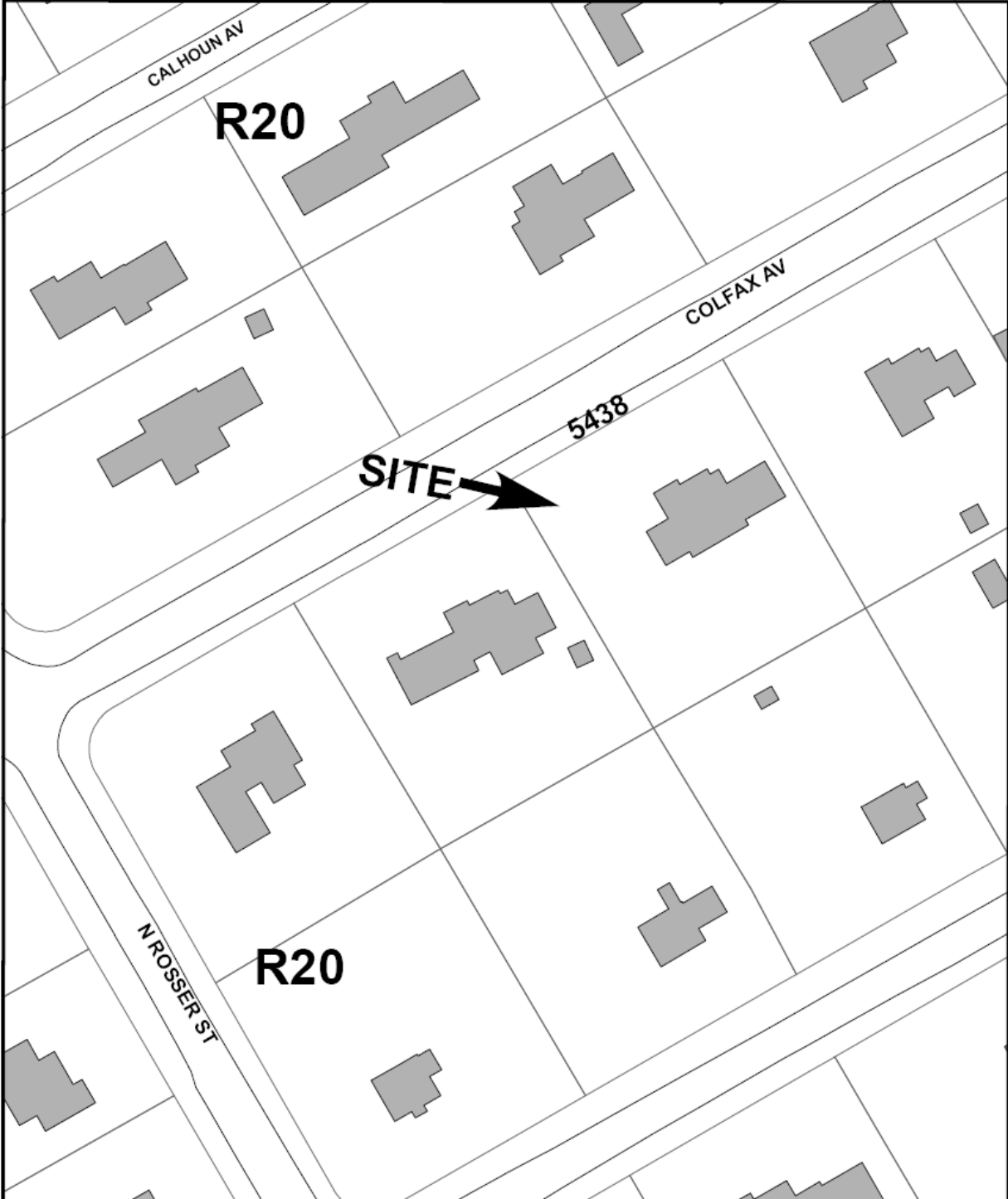
Reason to approve: The Board agreed with the staff recommendation and the application met the criteria for a special exception as outlined in the staff report.

Speakers:

Doris Bovenschulte, 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.



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6/11/2009



I. Issue

The applicant proposes to construct two, one-story additions at the rear of the property located at 5438 Colfax Avenue. Only the one-story addition at the rear of the garage that faces the east side property line requires a special exception.



II. Background

The subject property is one lot of record with 132.00 feet of frontage facing Colfax Avenue, and a depth of 155.00 feet along the east and west side property line. The property contains 20,460 square feet of lot area. The subject property is compliant to the minimum 20,000 square foot lot minimum for the R-20 zone.

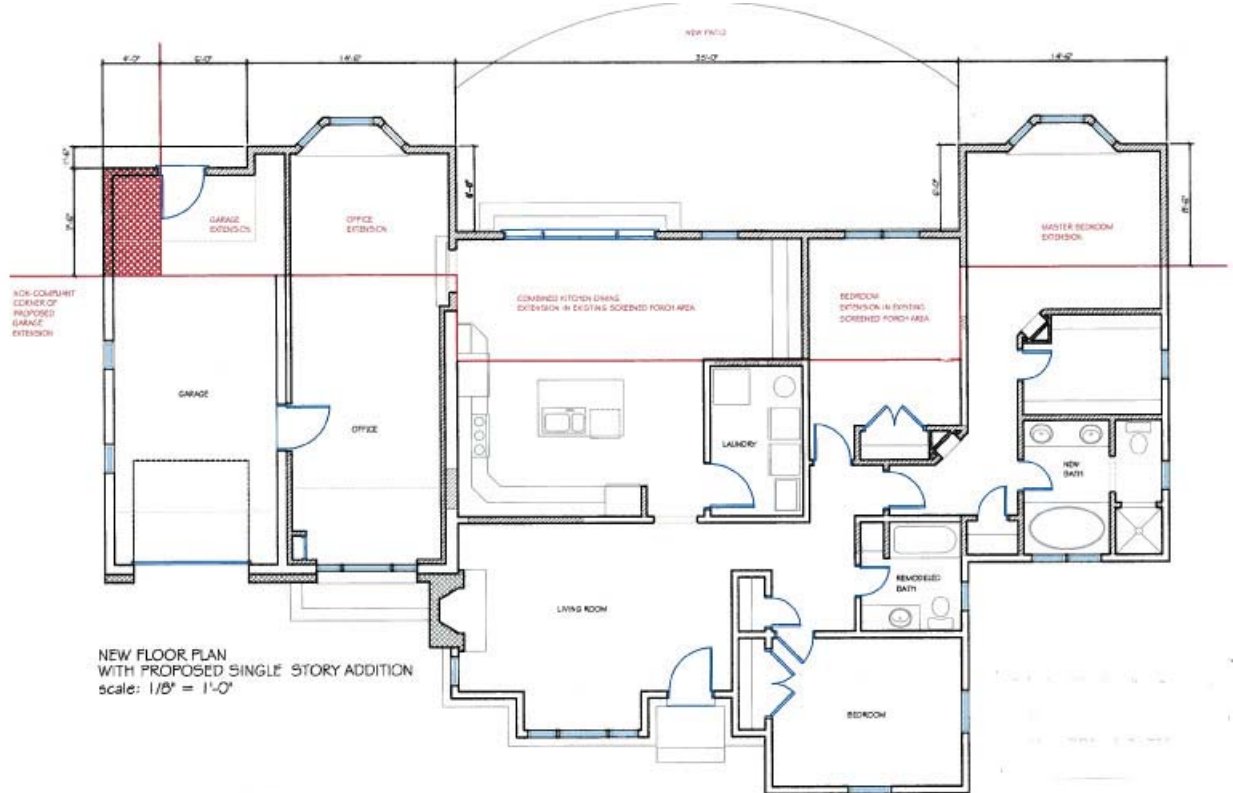
The lot is currently developed with a one-story single family dwelling located 43.40 feet from the front property line facing Colfax Avenue, 7.80 feet from the west property line and 49.80 feet from the east property line.

According to real estate assessment records, the house was constructed in 1949.

III. Description

The applicant proposes to construct a one-story rear addition in line and behind the existing garage that measures 7.50 feet by 10.00 feet, totaling approximately 75.00 square feet. The adjacent addition, measures 9.00 feet by 14.50 feet totaling 130.50 square feet. The bay window area measures 8.00 feet by 1.50 totaling 12 square feet. The combined total of the east side rear addition is 217.50 square feet. The addition will measure approximately 12 feet in height when measured from grade to the midpoint of gabled roof.

The new construction that does not meet the zoning requirements to comply with the 12.00 side yard set back is that area that measures 7.50 feet by 4.00 feet for a combined total of 30.00 square feet. (See highlighted area in diagram)



The applicant also proposes to construct a one-story rear addition on the east side of the property. The proposed addition measures 8.50 feet by 14.50 feet totaling 123.25 and a bay window area which measures 8.00 feet by 1.50 feet totaling 12 square feet. The combined total of the east side rear addition is 135.25 square feet. This addition complies with the required side yard setbacks.

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 variances or special exceptions previously granted for the subject property.

IV. Master Plan/Zoning

The subject property is zoned R-20 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Alexandria West Small Area Plan for residential land use.

V. Requested Special Exception:

3-106(A)(2), Side Yard (West)

The applicant requests a special exception of 4.20 feet based on a building height of 12.00 feet when measured from grade to the midpoint of gabled roof facing the west side property line.

VI. Noncomplying structure

The existing building at 5348 Colfax Avenue is a noncomplying structure with respect to the following:

<u>Lot Requirement</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side Yard (west)	12.00 ft	8.00 ft	4.00ft

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 which is consistent with 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 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)
- 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>

Code Administration:

- C-1 Additions and Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- 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 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-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 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 taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-6 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-7 A soils report must be submitted with the building permit application.
- 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.

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C-9 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.

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.

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**APPLICATION
BOARD OF ZONING APPEALS**

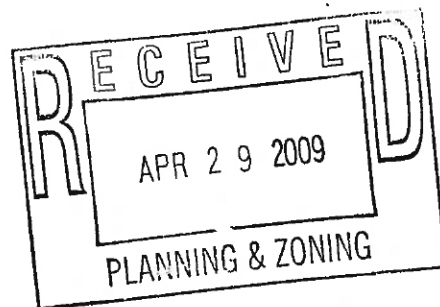
SPECIAL EXCEPTION FOR ADDITIONS

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Section of zoning ordinance from which request for special exception is made:

PART A

- 1. **Applicant:** Owner Contract Purchaser
 Name DORIS BOVENSCHULTE
 Address 5438 COLFAX AVENUE
ALEXANDRIA, VA Daytime Phone 703-307-8065
- 2. **Property Location** LOT 3 BLK 4 DOWDEN TERRACE
- 3. **Assessment Map** 002.03 Block 01 Lot 23 Zone R20
- 4. **Legal Property Owner:**
 Name _____
 Address _____



5. Describe request briefly :

rear of the
Permission to extend the existing, single-
story ^{nonconforming} garage approximately 7.3 ft.
along the existing side setback.

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

[] Yes — Provide proof of current City business license.

[] No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

DORIS BOVENSCHULTE Doris Bovenschulte
print name signature

703-307-8065 4/29/09
telephone date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

NOTE TO APPLICANT: Only one special exception per dwelling shall be approved under the provisions of Section 11-1302(B)(4).

PART B (SECTION 11-1304)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(please use additional paper where necessary)

1. How will the special exception for the proposed addition, if granted, address the applicant's needs?

Explain:

See attached sheet
for answers

2. Will the special exception, if granted, harm adjoining properties or impact the neighborhood in any way?

Explain:

3. Will the proposed addition reduce or block light and air to adjacent property? Explain:

Answers to Questions #1-7

1) The existing modest size house has very limited storage space. It does not have a basement and only a small, one car garage. The attic is accessible only by pull down stairs from the ceiling. Extending the garage along the current setback creates enough extra storage to accommodate a car plus storage for a normal homeowner's needs. At age 66, I believe it is important that this storage space be at the first level and connected to the house so it is easily accessible.

2) This neighborhood on Colfax Avenue is made up of lots all approximately the same size, each close to a half acre. With the exception of one corner house, the houses are single story and well spaced on the block. The houses at the rear are also on large, deep lots. Granting this special exception will not have any harmful effect. By improving this house, which has been in a state of disrepair, the impact on the neighborhood can only be beneficial.

3) The house at 5427 Colfax Avenue, the adjacent property on the NE side, is situated well to the other side of the boundary. See photo included.. The extension of the single story garage will not block air or light for this property.

4) The houses along this block on Colfax Ave. were built 50-60 years ago. They were all single story ramblers with one car garages. Over the years most of them have been expanded with an addition on the side or back. Several owners converted the garage to an extra room. By enlarging my house to the rear instead of adding a second story, the addition will not be visible from the street and will not result in an obtrusive roof line. The addition will not change the front of the house at all. I believe this is the best way to obtain the extra space I need while keeping the house in the uniformity of scale & character of the neighborhood.

5) As stated in the above answer, many owners in the area have opted to add on to the side or rear rather than building upwards. The house directly across the street, 5445 Colfax Ave, added a second garage plus a small room to the side of the garage with a setback of less than 12 ft. from the side boundary. The house at 5452 Colfax Ave, on the west side, has had several additions over the years.

6) After considering the options of building a second story or a new, two car attached or detached garage on the west side of the house, I decided that adding a single story addition to the rear of the house is the best way to meet my need for extra space while maintaining the integrity of the neighborhood.

7) I have not shown the proposed plan to the adjacent owners, but I have discussed my plans with the neighbors directly behind me who have lived in the neighborhood for years.. They seem thrilled that I am restoring and improving this property.

See answers on
attached sheet.

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4. How is the proposed construction compatible with other properties in the neighborhood and the character of the neighborhood as a whole? Explain:

5. How is the proposed construction similar to other buildings in the immediate area?

6. Does this plan represent the only reasonable location on the lot to build the proposed addition? Explain:

7. Has the applicant shown the proposed plans to the adjacent most affected property owners? Has any neighbor objected to the proposed special exception, or has any neighbor written a letter in support of the proposed special exception? If so, please attach the letter. Explain:



**DEPARTMENT OF PLANNING AND ZONING
FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR
SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS**

A. Property Information

A1. Street Address 5438 Colfax Avenue Zone R-20

A2. 20,460 x .25 = 5115
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement	—	Basement**	—
First Floor	1787	Stairways**	—
Second Floor ATTIC	936	Mechanical**	—
Third Floor	—	Porch/ Garage**	—
Porches/ Other	336	Attic less than 5'***	936
Total Gross *	3059	Total Exclusions	936

B1. Existing Gross Floor Area *
3059 Sq. Ft.
B2. Allowable Floor Exclusions**
936 Sq. Ft.
B3. Existing Floor Area minus Exclusions 2123 Sq. Ft.
(subtract B2 from B1)

REVISED

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement	0	Basement**	—
First Floor	351	Stairways**	—
Second Floor ATTIC	1170	Mechanical**	—
Third Floor	—	Porch/ Garage**	—
Porches/ Other	—	Attic less than 5'***	680
Total Gross *	1521	Total Exclusions	680

C1. Proposed Gross Floor Area *
1521 Sq. Ft.
C2. Allowable Floor Exclusions**
680 Sq. Ft.
C3. Proposed Floor Area minus Exclusions 841 Sq. Ft.
(subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2964 Sq. Ft.
D2. Total Floor Area Allowed by Zone (A2) 5115 Sq. Ft.

*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof on a lot, measured from exterior walls.

**Refer to the zoning ordinance (Section 2-145(A)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

F. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: Linda Valentino

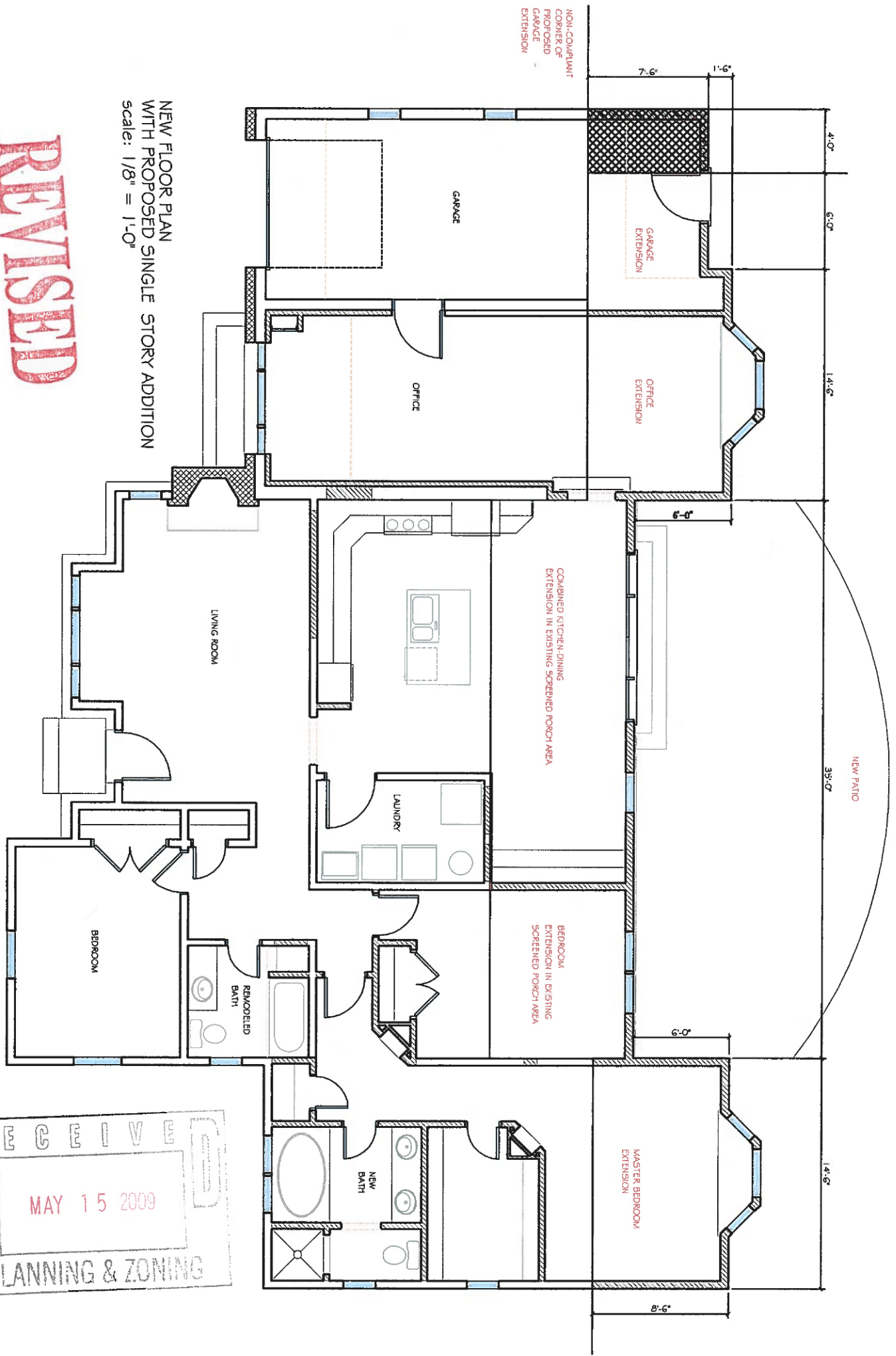
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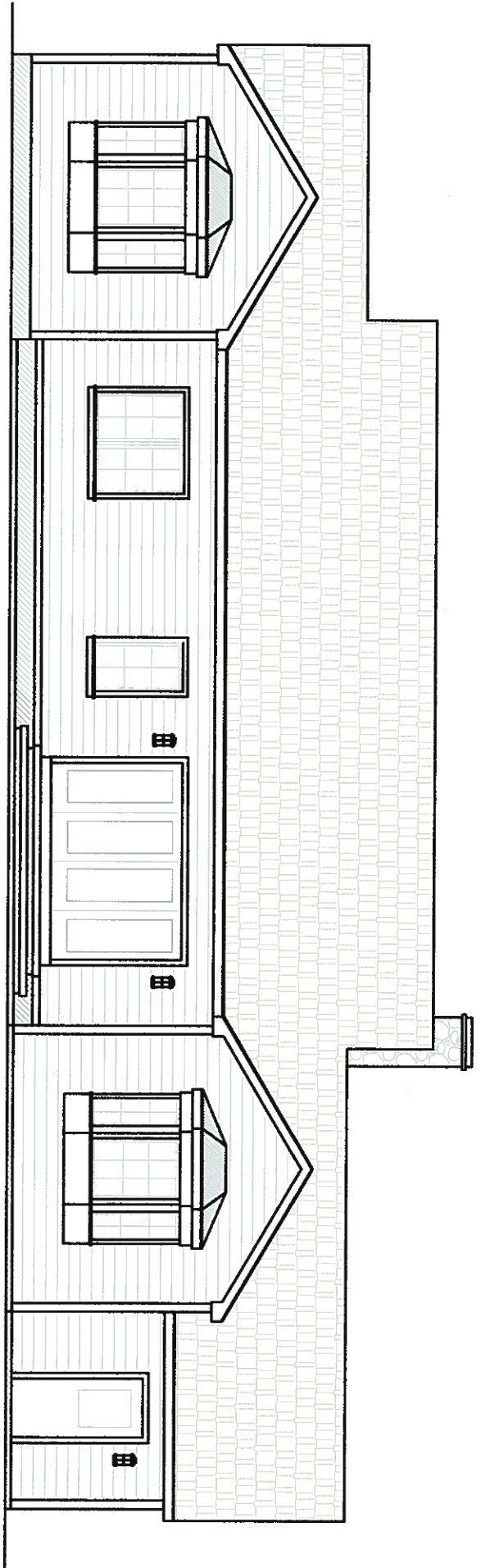
NON-COMPLIANT
CORNER OF
PROPOSED
GARAGE
EXTENSION

NEW FLOOR PLAN
WITH PROPOSED SINGLE STORY ADDITION
scale: 1/8" = 1'-0"

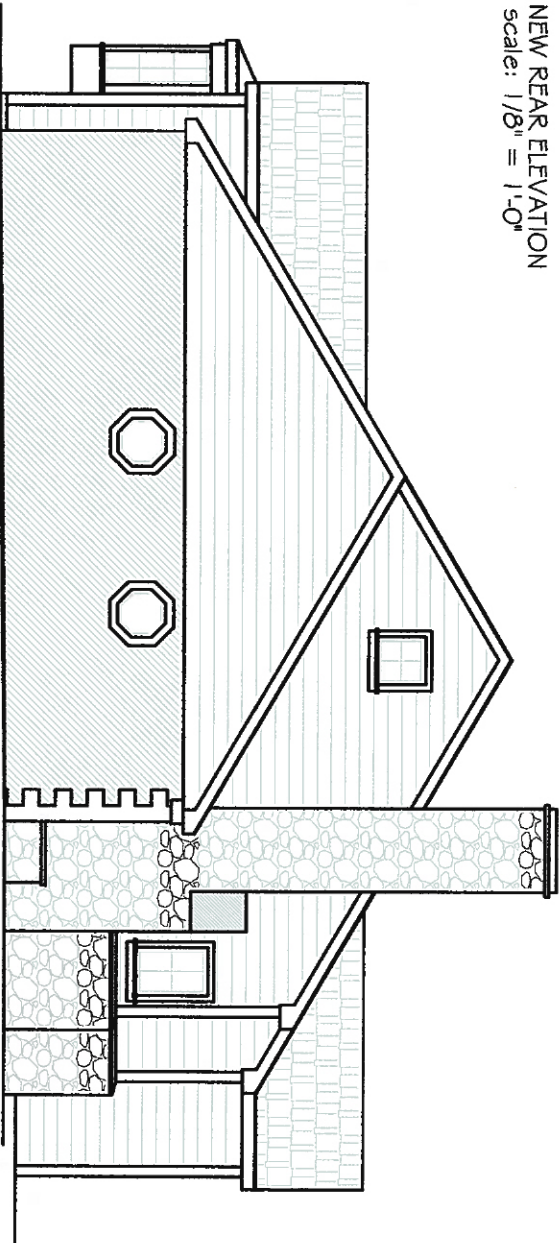
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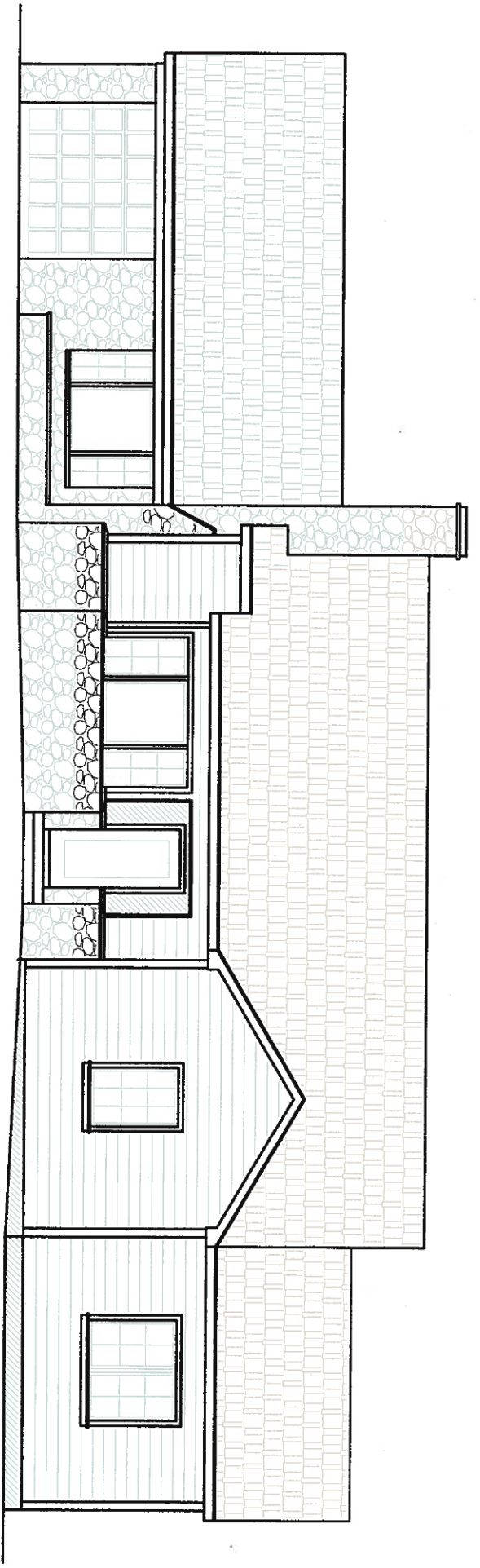
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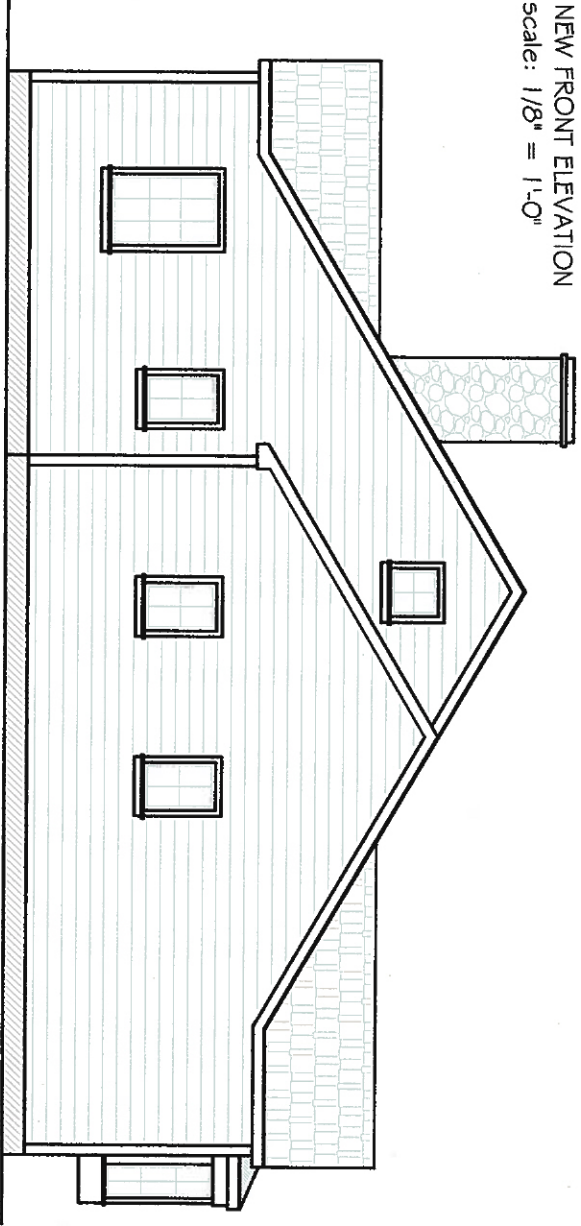
NEW REAR ELEVATION
scale: 1/8" = 1'-0"



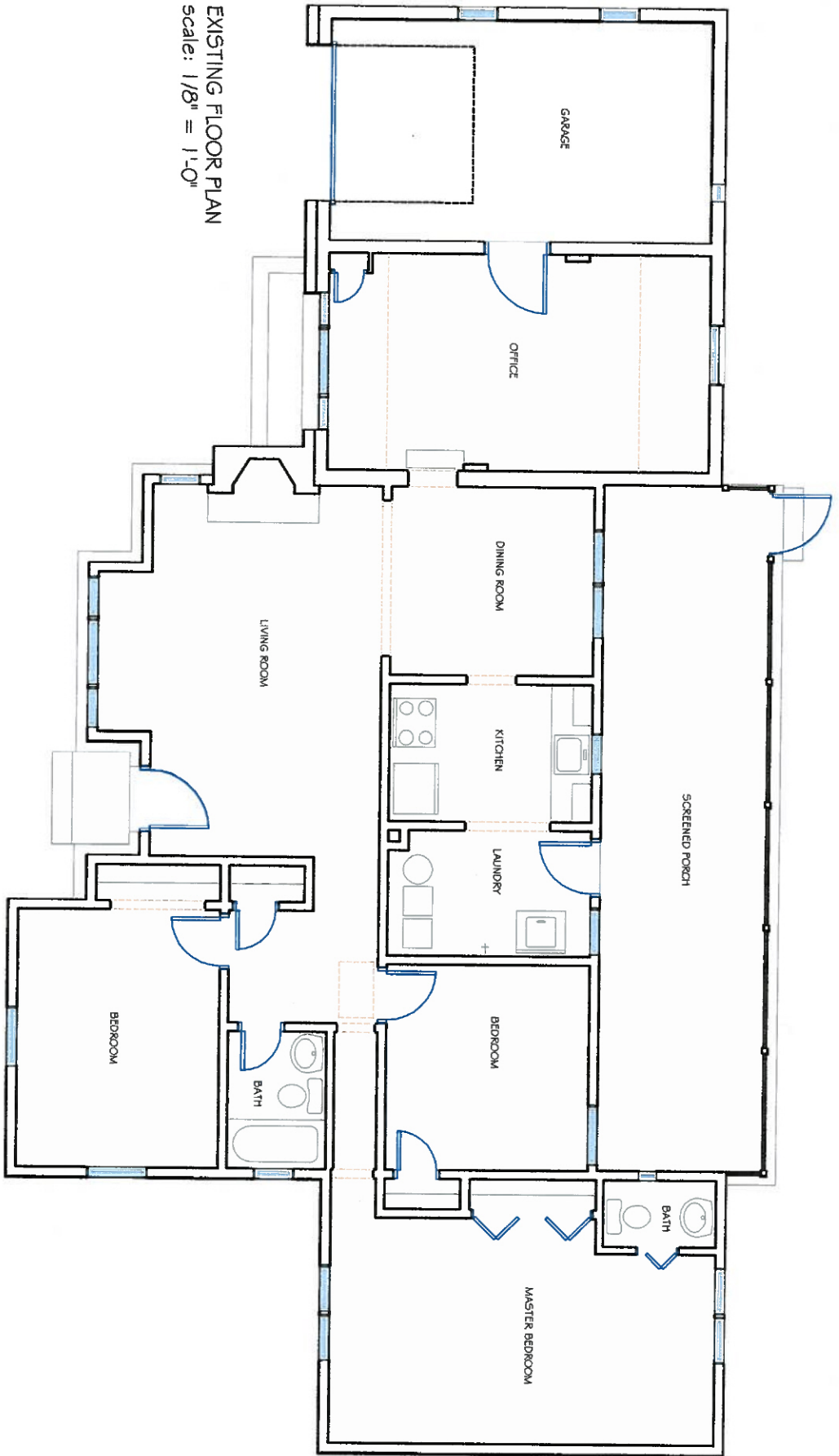
NEW LEFT SIDE ELEVATION
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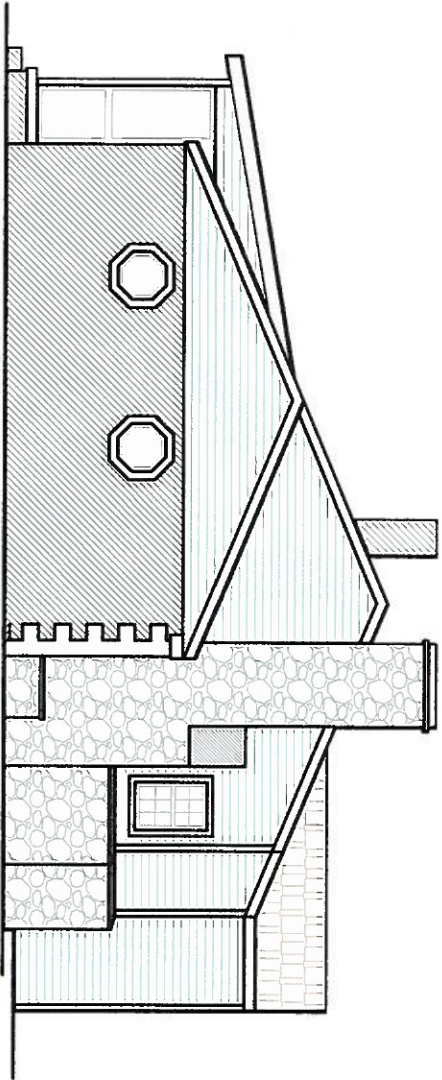
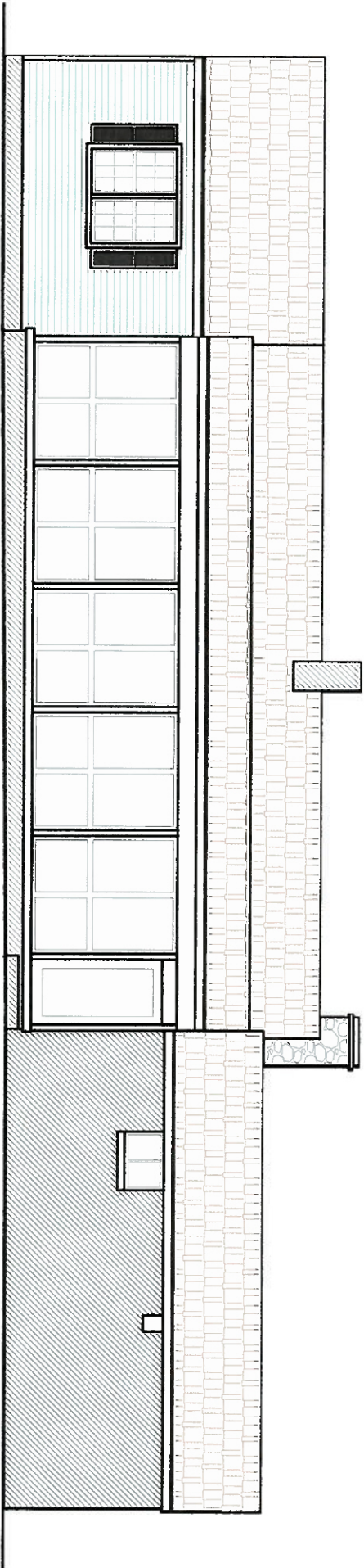
NEW FRONT ELEVATION
scale: 1/8" = 1'-0"

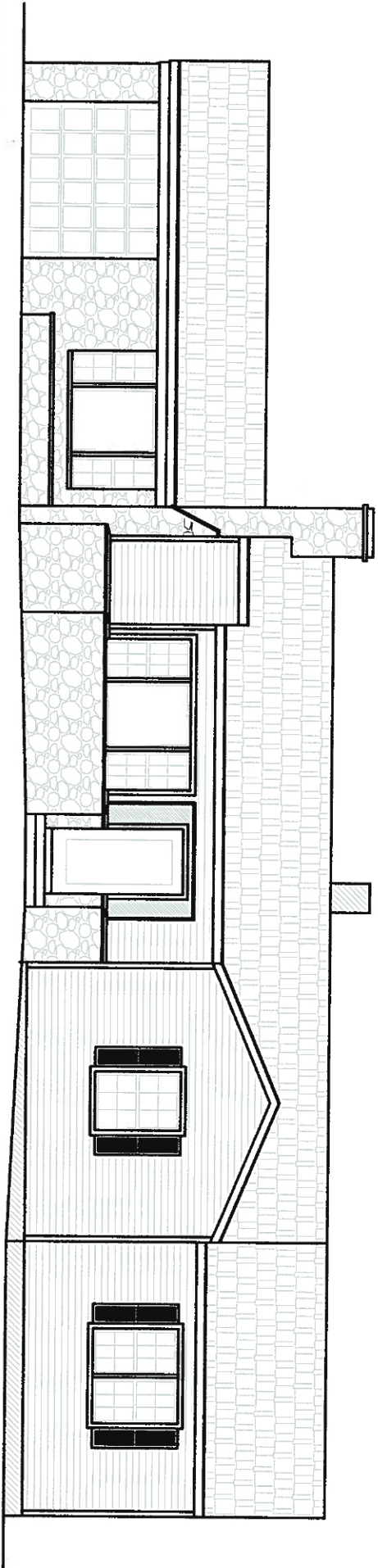


NEW RIGHT SIDE ELEVATION
scale: 1/8" = 1'-0"

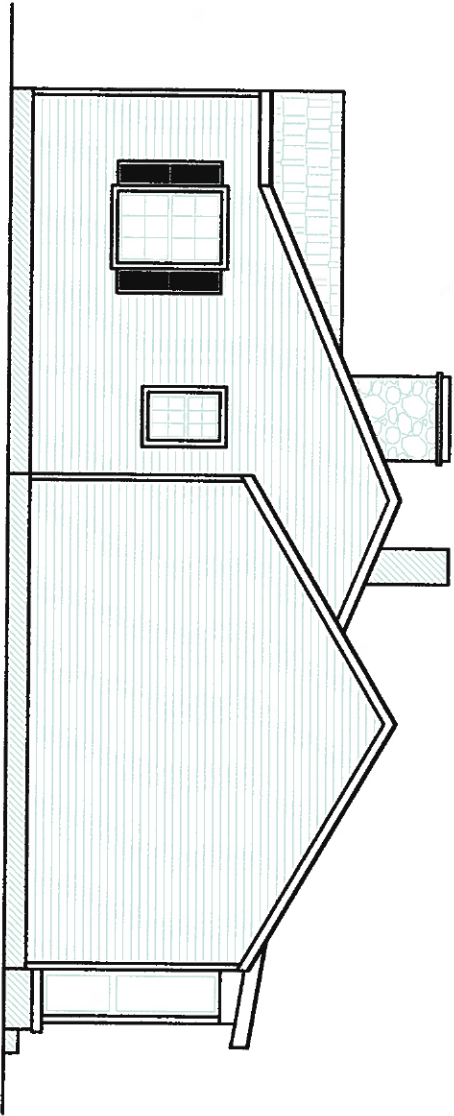


EXISTING FLOOR PLAN
scale: 1/8" = 1'-0"





EXISTING FRONT ELEVATION
scale: 1/8" = 1'-0"



EXISTING RIGHT SIDE ELEVATION
scale: 1/8" = 1'-0"