

Docket Item #1
BZA CASE #2009-0022

Board of Zoning Appeals
October 8, 2009

ADDRESS: 2511 DAVIS AVENUE
ZONE: R-8, RESIDENTIAL
APPLICANT: JAMES SILVERWOOD AND JEAN PETERSON, OWNERS

ISSUE: Special exception to construct a one-story rear addition in the required north side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	8.00 feet	4.70 feet	3.30 feet

BOARD OF ZONING APPEALS ACTION OF OCTOBER 8, 2009: On a motion to approve by Mr. Lantzy, seconded by Ms. Lewis, 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:

Robert Byrnes, architect, made the presentation.

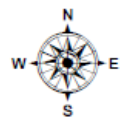
The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

If the Board decides to grant the requested special exception, 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 #2009-0022

10/08/2009



I. Issue

The applicants propose to construct a one-story addition adjacent to an existing screened porch facing the north side property line located at 2511 Davis Avenue.



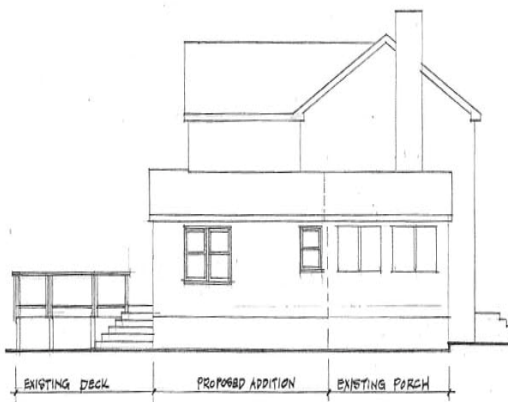
II. Background

The subject property is one lot of record with a frontage of 50.00 feet facing Davis Avenue, a depth of 115.00 feet along the north and south side property line and total of 50.00 feet along the rear property line. The property contains 5,750 square feet of lot area.

A two-story brick and frame detached single-family dwelling with a one-story side yard screened porch is located 30.01 feet from the front property line facing Davis Avenue, 8.80 feet from the south side property line and 4.70 feet from the north side property line. According to Real Estate Assessment records, the house was constructed in 1940.

III. Description

The applicants propose to construct a one-story addition adjacent to an existing screen porch placed approximately 4.70 feet from the north side property line. The proposed addition measures 22.50 feet by 10.40 feet for a total of 234 square feet. The addition will measure 12.00 feet to the roof eave facing the north side property line and 16.00 feet when measured to the highest point. The applicant must request a special exception of 3.30 feet from the north side property line.



NORTH (LEFT SIDE) ELEVATION
SCALE 1/8" = 1'-0"



EAST (REAR) ELEVATION
SCALE 1/8" = 1'-0"

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-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in North Ridge/ Rosemont Small Area plan for residential use.

V. Requested Special Exception:

3-306(A)(2) Side Yard (North):

The applicants request a special exception of 3.30 feet based on a building height of 12.00 feet as measured to the roof eave on the proposed one-story addition facing the north side of the property line.

VI. Noncomplying Structure/Substandard Lot:

<u>Requirement</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Lot Size	8,000 sq. ft.	5,750 sq. ft.	2,250 sq. ft.
Lot Width	65.00 feet	50.00 feet	15.00 feet
Side Yard (north)	8.00 feet	4.70 feet	3.30 feet

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, but similar to many other lots on the block and in the surrounding neighborhood. 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 the existing height of the current one-story screened porch that sits in the required side yard setback at the north side of the property. The proposed design is compatible with the existing architecture and with the neighborhood character.

Based upon the above findings, 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) 746-4064. 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 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-2 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-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 Additions and Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-6 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-7 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-8 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-9 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):

- 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.

File copy



**APPLICATION
BOARD OF ZONING APPEALS**

SPECIAL EXCEPTION FOR ADDITIONS

BZA CASE # 2009-0022

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

3-306 (A) (2) SIDE YARD

PART A

1. Applicant: Owner Contract Purchaser

Name JAMES SILVERWOOD AND JEAN PETERSON

Address 2511 DAVIS AVE., ALEXANDRIA, VA. 22302

Daytime Phone 202-514-1337

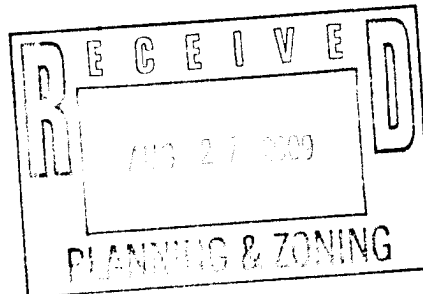
2. Property Location 2511 DAVIS AVE.

3. Assessment Map 023.03 Block 11 Lot 23 Zone R8

4. Legal Property Owner:

Name JAMES SILVERWOOD AND JEAN PETERSON

Address 2511 DAVIS AVE., ALEXANDRIA, VA 22302



5. Describe request briefly :

BUILD A ONE STORY ADDITION WITH A SIDE YARD SETBACK OF 4.7 FT. INSTEAD OF THE 8.0 FT AS REQUIRED. THE ADDITION WILL BE IN LINE WITH AN EXISTING NON-CONFORMING STRUCTURE.

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?

[X] 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:

ROBERT C. BYRNES
print name

Robert C. Byrnes
signature

703-683-1011
telephone

AUGUST 25, 2009
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:

CURRENTLY ALL OF THE BEDROOMS IN THE HOUSE ARE ON THE SECOND FLOOR. AS A LONG TERM PLAN, THE APPLICANT FORESEES THE NEED FOR A GROUND FLOOR BEDROOM.

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

Explain:

NO. THE PROPOSED CONSTRUCTION MATCHES THE STYLE AND SETBACKS OF MOST OF THE HOUSES ON THE BLOCK.

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

NO. THE MOST AFFECTED HOUSE TO THE NORTH WILL NOT HAVE LIGHT AND AIR BLOCKED BY EXTENDING THE ONE STORY STRUCTURE.

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

MOST OF THE HOUSES IN THE IMMEDIATE AREA ARE OF SIMILAR ARCHITECTURAL STYLE AND SIDEYARD SETBACKS.

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

SINCE THE PROPOSED CONSTRUCTION IS AN EXTENSION OF THE EXISTING BUILDING, AND MANY HOUSES IN THE NEIGHBORHOOD ARE THE SAME STYLE, THIS PROPOSAL DOES NOT CHANGE THE CHARACTER AT ALL.

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

NO. IT IS POSSIBLE TO BUILD THE ADDITION WITHIN THE ZONING RESTRICTIONS, BUT THE PRIVATE ZONES WITHIN THE HOUSE WOULD ABUT THE PUBLIC ZONE.

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:

NO, BUT THE NEIGHBOR TO THE NORTH WILL BE SHOWN THE PLANS PRIOR TO THE PUBLIC HEARING.



DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

A. Property Information

A1. Street Address 2511 DAVIS AVE Zone R-8
 A2. 5750 SF. x 0.38 = 2012.5
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	524	Basement**	524
First Floor	166	Stairways**	
Second Floor	534	Mechanical**	
Third Floor		Other**	
Porches/ Other		Total Exclusions	524
Total Gross *	2276		

B1. Existing Gross Floor Area *
2276 Sq. Ft.
 B2. Allowable Floor Exclusions**
524 Sq. Ft.
 B3. Existing Floor Area minus Exclusions
1692 Sq. Ft.
 (subtract B2 from B1)

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

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor	227	Stairways**	
Second Floor		Mechanical**	
Third Floor		Other**	
Porches/ Other		Total Exclusions	
Total Gross *	227		

C1. Proposed Gross Floor Area *
227 Sq. Ft.
 C2. Allowable Floor Exclusions**
 _____ Sq. Ft.
 C3. Proposed Floor Area minus Exclusions
227 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 1919 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 2012.5 Sq. Ft.

*Gross floor area is the sum of all gross horizontal areas under roof, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

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

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

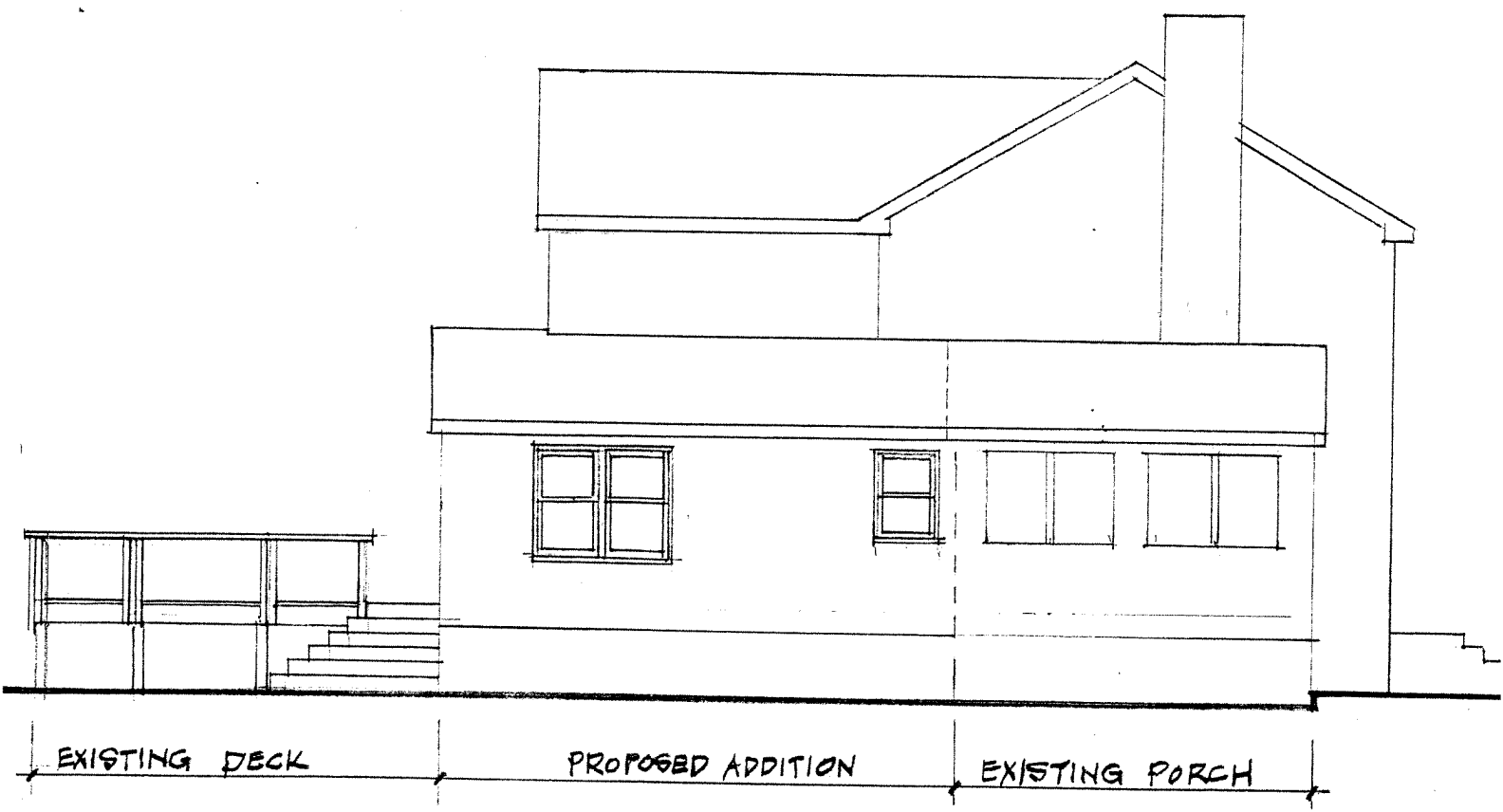
F. Open Space Calculations

Existing Open Space	
Required Open Space	
Proposed Open Space	

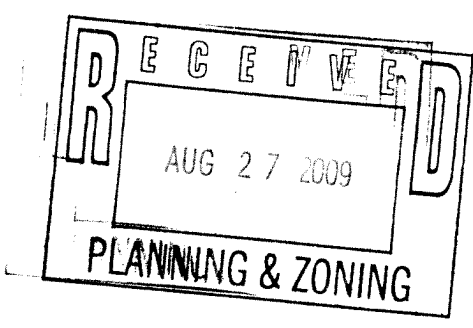
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

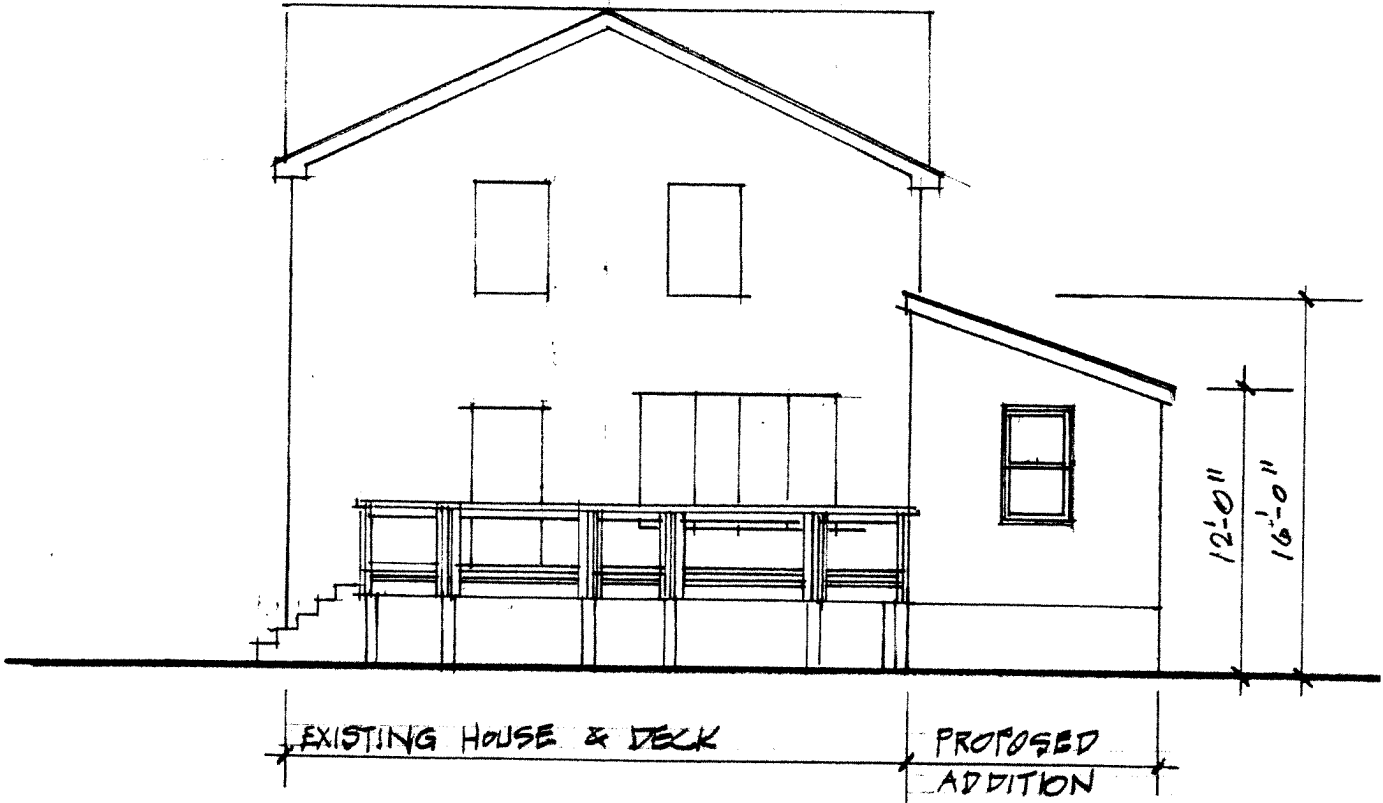
Signature: Robert Osypiec

Date: AUG. 25, 2009

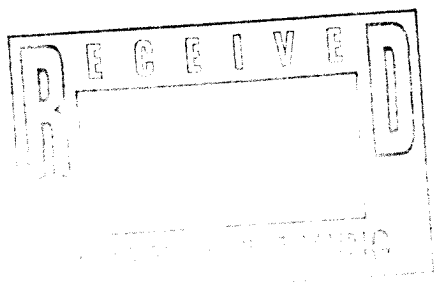


NORTH (LEFT SIDE) ELEVATION
SCALE 1/8" = 1'-0"





EAST (REAR) ELEVATION
 SCALE 1/8" = 1'-0"



Addition to 2511 Davis Avenue

Robert C. Byrnes Architect
 703-683-1011

Date 2/29/09
 Sheet 2 of 2