

Docket Item #2  
BZA CASE #2009-0024

Board of Zoning Appeals  
October 8, 2009

**ADDRESS:** 1714 PRICE STREET  
**ZONE:** R-B, RESIDENTIAL  
**APPLICANT:** SHURON SPEECH AND SHARON SPEECH, P.O.A. FOR OWNERS

**ISSUE:** Variance to reduce the existing open space from 638 square feet to 551 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-606(B)	Open Space	800 sq ft	551 sq ft	249 sq ft

**BOARD OF ZONING APPEALS ACTION OF OCTOBER 8, 2009:** On a motion to approve by Mr. Allen, seconded by Mr. Goodale, the variance was approved by a vote of 6-0.

Reason: The application meets the criteria of a variance due to the substandard nature of the lot.

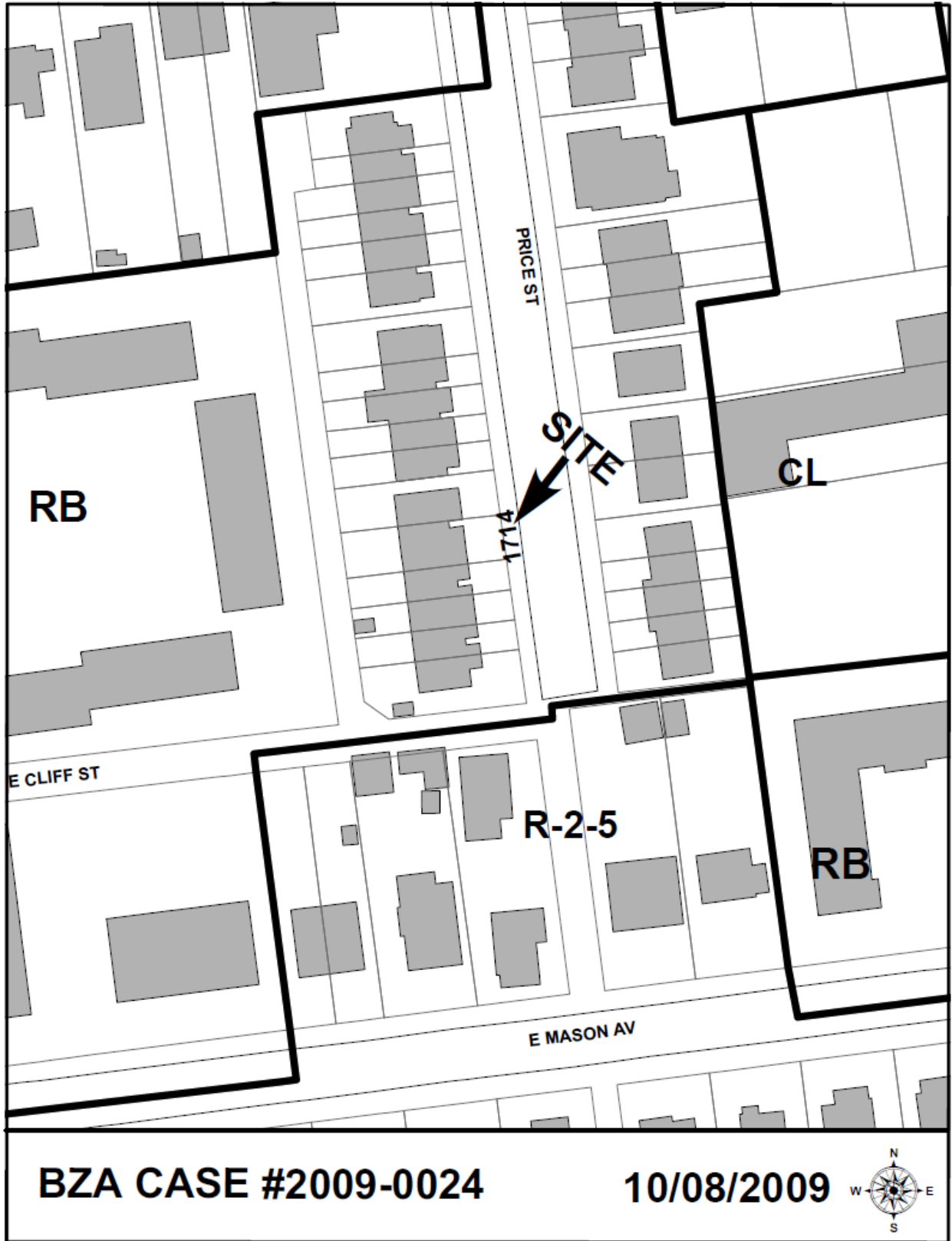
Speakers:

Sharon Speech, P.O.A. for homeowner, made the presentation.

Monica Nemecek, President of the Cliff Garden HOA, spoke in support and expressed concerns about intrusion into the shared alleyway and parking lot by construction materials and contractors.

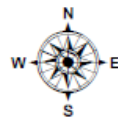
Staff **recommends approval** of the request because the applicants have demonstrated a hardship.

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 variance 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 #2009-0024**

**10/08/2009**



**I. Issue**

The applicants propose to construct a one-story rear addition with landing and stairs above the existing basement entrance at 1714 Price Street which will reduce the required open space from 800 square feet to 551 square feet.

**II. Background**

The subject property is one lot of record with 16.00 feet of frontage facing Price Street and a depth of 85.00 feet. The property contains 1,360 square feet of lot area, which is substandard from the 1,980 square feet required for a townhouse dwelling in the RB zone. The property is also noncomplying as to the minimum lot width and frontages for an interior townhouse dwelling in the RB zone.

Pursuant to Section 3-707(B) of the zoning ordinance, any lot in the RB zone recorded prior to December 28, 1951 may be developed with a single-family residence and accessory structures at the lot size shown on the recorded plat. The subject lot was recorded prior to 1951.

The townhouse dwelling was constructed in 1945 and is located 18.00 feet from the front property line facing Price Street, on the north and south side property lines and 33.00 feet from the rear property line. The subject property is a substandard legal lot of record, which is currently developed with 638 square feet of open space, less than the required 800 square feet.

**III. Description**

The applicants propose to construct a one-story rear addition on the north side property line, 1.50 feet from the south side property line, 21.50 feet from the rear property line and measures 14.75 feet in height to the rear eave of the shed roof. The addition measures 11.50 feet by 14.47 feet, totaling 166.41 square feet. The addition will be located above the existing basement entrance, stairs and a landing will project into the rear yard. The addition will accommodate a bedroom on the first floor.

There have been no variances previously granted for the subject property.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

**IV. Master Plan/Zoning**

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

V. **Requested variances**

**Section 3-606(B) Open Space**

The RB zone requires 800 square feet of open space. The existing lot currently only provides 638 square feet of open space. Construction of the proposed addition, landing and stairs will further reduce the open space from 638 square feet to 551 square feet. The applicants request an open space variance of 249 square feet from the RB zone requirement of 800 square feet of open space to construct a one-story rear addition with landing and stairs.

VI. **Noncomplying structure**

The existing building at 1714 Price Street is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Lot Area	1,980 sq ft	1,360 sq ft	620 sq ft
Lot Frontage	18.00 ft	16.00 ft	2.00 ft
Lot Width	18.00 ft	16.00 ft	2.00 ft
Open Space	800.00 sq ft	638 sq ft	162 sq ft

VII. **Staff analysis under criteria of section 11-1103**

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.

- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

**VIII. Applicant's Justification for Hardship**

The application states that because the lot is substandard in lot area by 620 square feet the open space requirement on the lot should be reduced proportionately. A standard 1,980 square foot lot is required to provide 800 square feet of open space, 40% of the lot area. To maintain 800 square feet of open space on a 1,360 square foot lot is equivalent to a 59% percent open space requirement. The applicant is proposing slightly more than 40% open space on the lot. The applicant states that requiring a higher percentage of open space on a substandard lot creates a hardship.

**IX. Staff Analysis**

Staff agrees that the substandard nature of the lot does create a hardship for the applicant. The requirement in the RB zone to provide 800 square feet of open space is based on the assumption that the minimum lot area is at least 1,980 square feet. Because this lot is substantially smaller than required, staff believes that the open space requirement for the lot could be proportionately reduced. A requirement of 40 percent open space on this 1,360 square foot lot would be 544 square feet, 7 square feet less than the applicants propose.

Staff believes the proposed addition is modest in nature and is in character with the neighborhood.

Because of the substandard nature of the lot, staff believes a hardship has been made and therefore **recommends approval** of the requested variance.

**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 storm water 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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-2 Additions and Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- 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 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-5 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-6 Guardrails and intermediate rails must comply with USBC 1012.1.

Recreation (Arborist):

- F-1 No trees are affected by this plan.

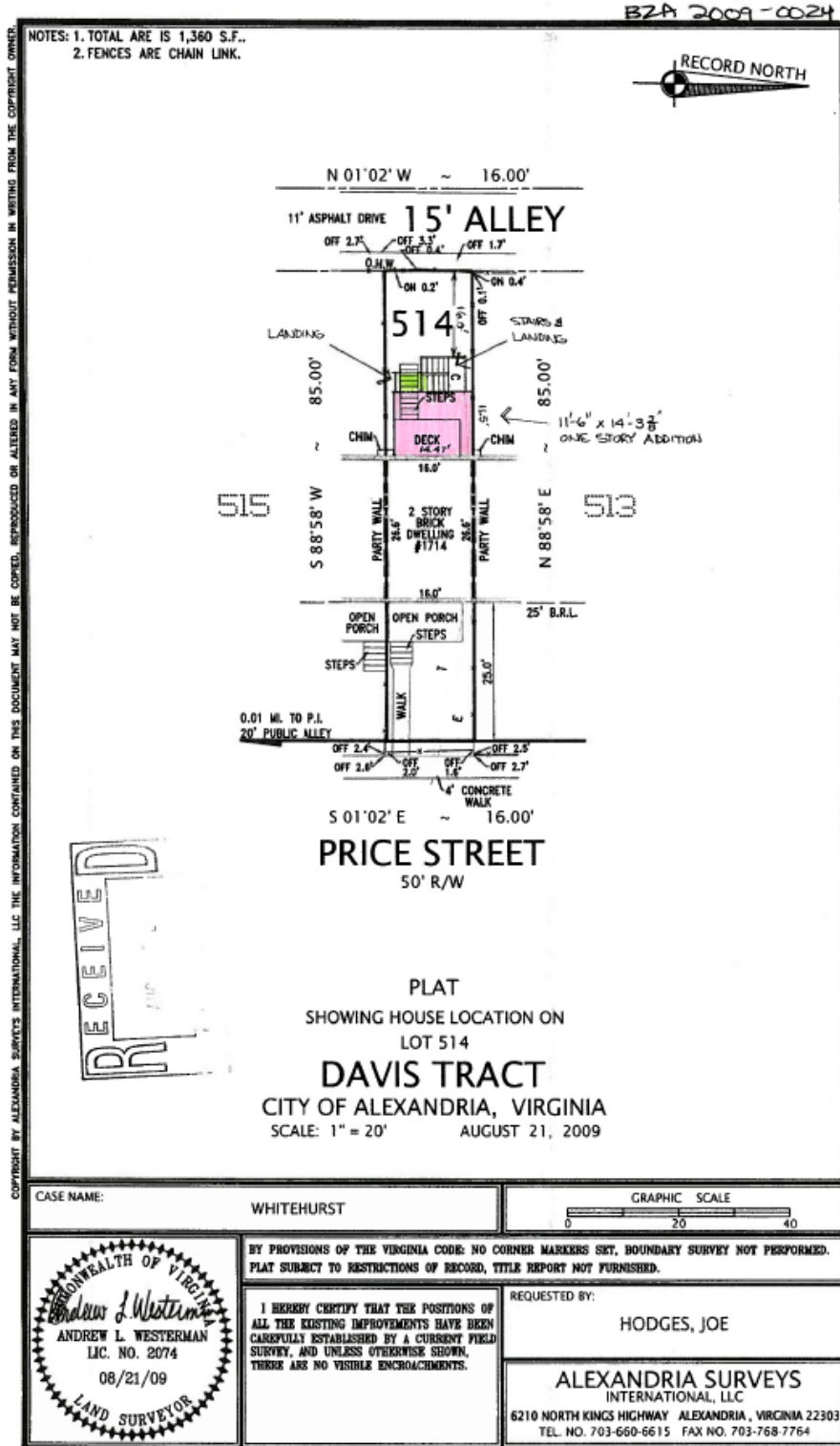
Historic Alexandria (Archaeology):

- 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.

X. Images



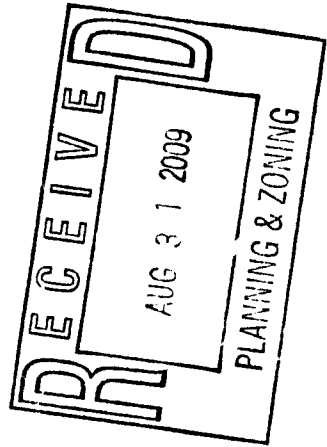
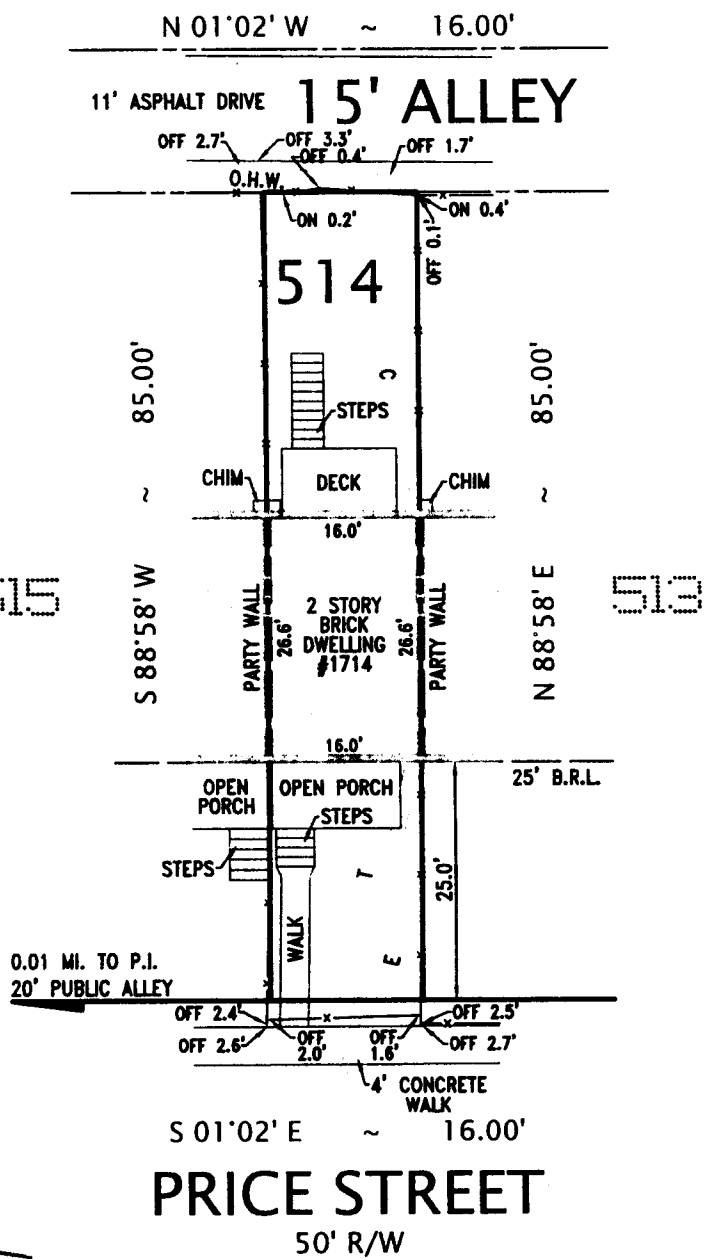


B7A 2009-0024

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NOTES: 1. TOTAL ARE IS 1,360 S.F..  
2. FENCES ARE CHAIN LINK.

RECORD NORTH



PRICE STREET  
50' R/W

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 514

DAVIS TRACT

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20' AUGUST 21, 2009

File copy



**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

**BZA CASE #** 2009-0024

Section of zoning ordinance from which request for variance is made:

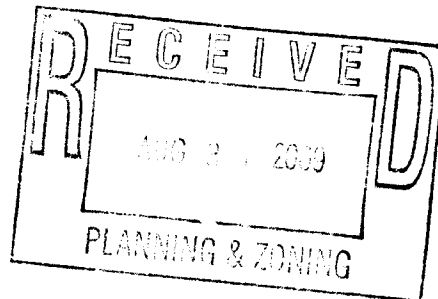
**PART A**

1. **Applicant:**  Owner  Contract Purchaser  
 Name SHURON & SHARON SPEECH (P.O.A)  
 Address 1714 PRICE STREET  
ALEXANDRIA, VA 22301 Daytime Phone (703) 683-1750

2. **Property Location** 1714 PRICE STREET

3. **Assessment Map** 43.02 Block 01 Lot 12 Zone RB

4. **Legal Property Owner:**  
 Name MAGGIE OR THELMA WHITEHURST  
 Address 1714 PRICE STREET  
ALEXANDRIA, VA 22301



5. Describe request briefly :  
CONSTRUCT A MODEST ONE STORY ADDITION TO MEET  
NEEDS OF AN ELDERLY PARENT. THE PROPOSED ADDITION IS  
IN CHARACTER WITH OTHER

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:**  
JOSEPH HODGES  
print name  
(703) 930-2267  
telephone  
  
signature  
8/26/09  
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.

**PART B (SECTION 11-1102)**

**NOTE:** The Board of Zoning Appeals may grant a variance only if the applicant can demonstrate a legal hardship. A legal hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has a sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A legal hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a legal hardship having to do with specific conditions of the land.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(please **print clearly** and use additional paper where necessary)

**1. Does strict application of the zoning ordinance to the subject property result in a hardship to the property owner? (Answer A or B)**

A. Will enforcement of the zoning ordinance amount to a confiscation of the property? Explain:

NO  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Will enforcement of the zoning ordinance prevent reasonable use of the property? Explain:

YES, BECAUSE OF THE SUBSTANDARD LOT AREA FROM THE ZONE  
& LOT AREA REQUIREMENT OF 800 SQFT OPEN SPACE, THE BUILDABLE  
AREA IS BASED ON A LOT SIZE OF 1980 SQFT, FOR THE  
STANDARD LOT SIZE. I AM CURRENTLY PROVIDING 58% OPEN SPACE,  
UPON THE CONSTRUCTION OF THE PROPOSED ADDITION I'LL BE  
PROVIDING THE 40% OPEN SPACE WHICH IS PROPORTIONATE TO THE  
SIZE OF THE LOT. THE MODEST ADDITION IS IN CHARACTER WITH OTHER  
EXISTING ADDITIONS ON BLOCK.  
\_\_\_\_\_

2. Is this hardship unique to the property?

A. Is the hardship shared by other properties in the neighborhood? Explain:

YES, ALL ARE SUBSTANDARD LOTS,

B. Does the situation or condition of the property (on which his application is based) apply generally to the other properties in the same zone? Explain:

YES

3. Was the hardship caused by the applicant?

A. Did the condition exist when the property was purchased?

YES, THE PROPERTY PREDATES 1951 RB ZONE ESTABLISHMENT.

B. Did the applicant <sup>PURCHASE</sup> apply the property without knowing of the hardship?

YES

C. How was the condition which creates the hardship first created?

THE CONDITION WAS CREATED WHEN THE LOTS WERE PLATTED IN 1951

D. Did the applicant create the hardship and, if so, how was it created?

NO, THE HARDSHIP WAS CREATED BY THE ORIGINAL SUBDIVISION & THE ZONING REQUIREMENT & REGULATION.

4. Will the variance, if granted, be harmful to others?

A. Will the applicant's proposal be harmful in any way to any adjacent property?

NO

B. Will it harm the value of adjacent and nearby properties?

NO. IT WILL INCREASE PROPERTY VALUES.

C. Has the applicant shown the proposed pains to the adjacent most affected property owner? Has that neighbor objected to the proposed variance, or has the neighbor written a letter in support of the proposed variance? If so, please attach the letter.

YES,

D. Will it change the character of the neighborhood?

NO, OTHER SIMILAR ADDITIONS & OPEN SPACE AREA EXIST.  
(EXG. 1724 PRICE STREET ENCLOSED SCREENED PORCH)

5. Is there any other administrative or procedural remedy to relieve the hardship?

YES





**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 1714 PRICE STREET Zone RB  
 A2. 1360 x 75% = 1020  
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

**B. Existing Gross Floor Area**

Existing Gross Area *		Allowable Exclusions	
Basement	425.6	Basement**	425.6
First Floor	425.6	Stairways**	151.1
Second Floor	425.6	Mechanical**	0
Third Floor	—	Porch/ Garage**	0
Porches/ Other	94.5	Attic less than 5'**	—
<b>Total Gross *</b>	<b>1371.3</b>	<b>Total Exclusions</b>	<b>576.7</b>

B1. Existing Gross Floor Area \*  
1371.3 Sq. Ft.  
 B2. Allowable Floor Exclusions\*\*  
576.7 Sq. Ft.  
 B3. Existing Floor Area minus  
Exclusions 794.6 Sq. Ft.  
(subtract B2 from B1)

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

Proposed Gross Area*		Allowable Exclusions	
Basement	0	Basement**	0
First Floor	166.4	Stairways**	0
Second Floor	0	Mechanical**	0
Third Floor	0	Porch/ Garage**	0
Porches/ Other	0	Attic less than 5'**	—
<b>Total Gross *</b>	<b>166.4</b>	<b>Total Exclusions</b>	<b>0</b>

C1. Proposed Gross Floor Area \*  
166.4 Sq. Ft.  
 C2. Allowable Floor Exclusions\*\*  
0 Sq. Ft.  
 C3. Proposed Floor Area minus  
Exclusions 166.4 Sq. Ft.  
(subtract C2 from C1)

**D. Existing + Proposed Floor Area**

D1. Total Floor Area (add B3 and C3) 961 Sq. Ft.  
 D2. Total Floor Area Allowed by Zone (A2) 1020 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	638
Required Open Space	800
Proposed Open Space	551

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

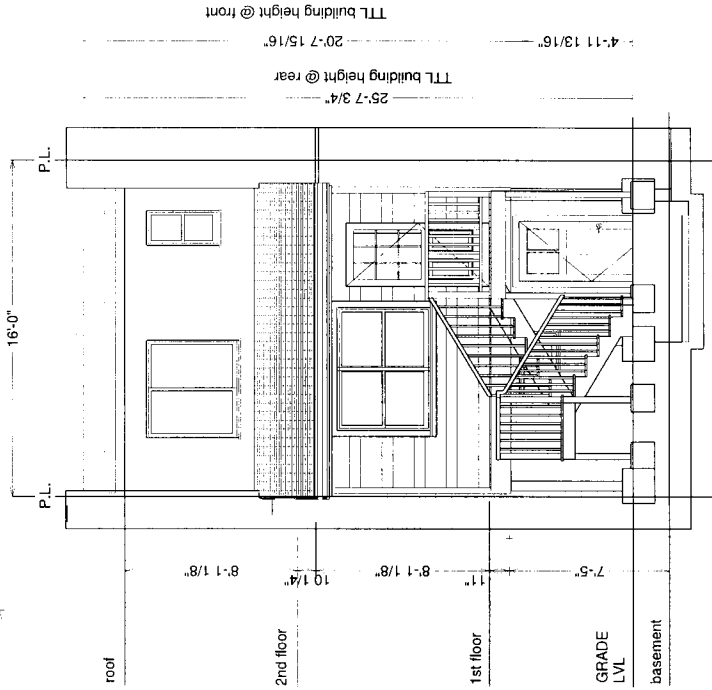
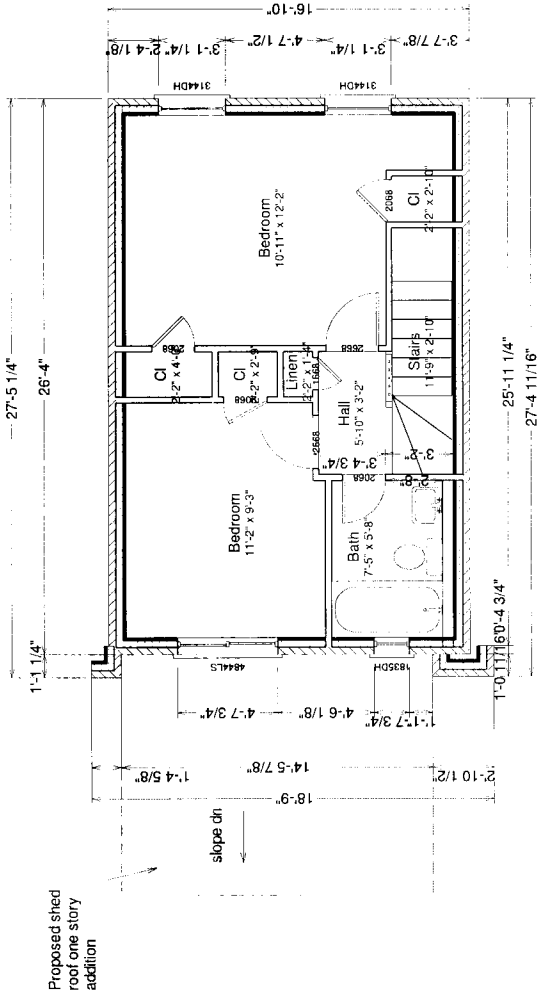
Signature: Joseph L. Hodges **JOSEPH L. HODGES** DESIGNER Date: 8/26/09





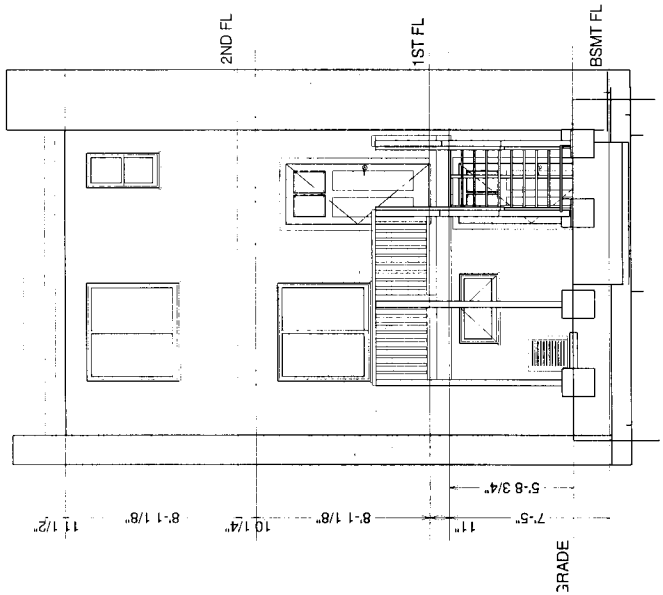
**PROPOSED ADDITION ROOF & EXISTING 2ND FLOOR PLAN**

SCALE: 1/4" = 1'-0"



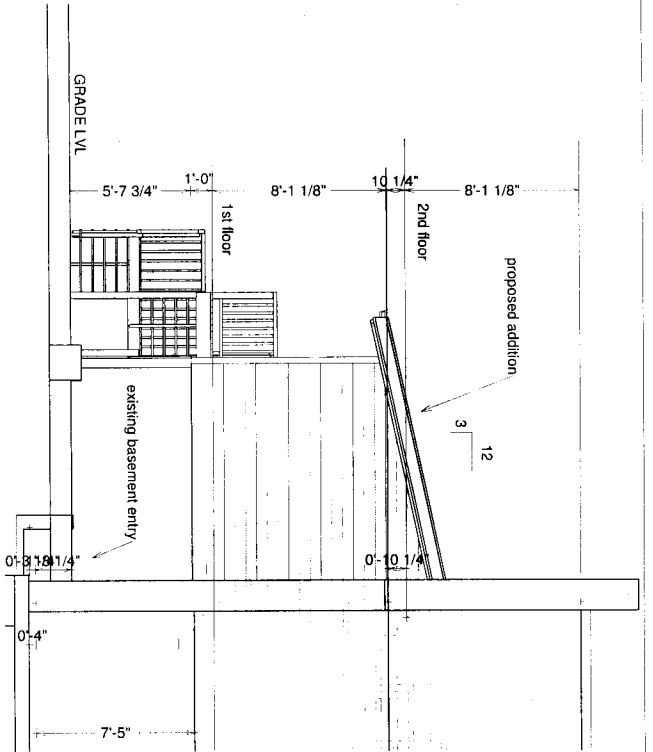
**PROPOSED REAR ELEVATION**

SCALE: 1/4" = 1'-0"



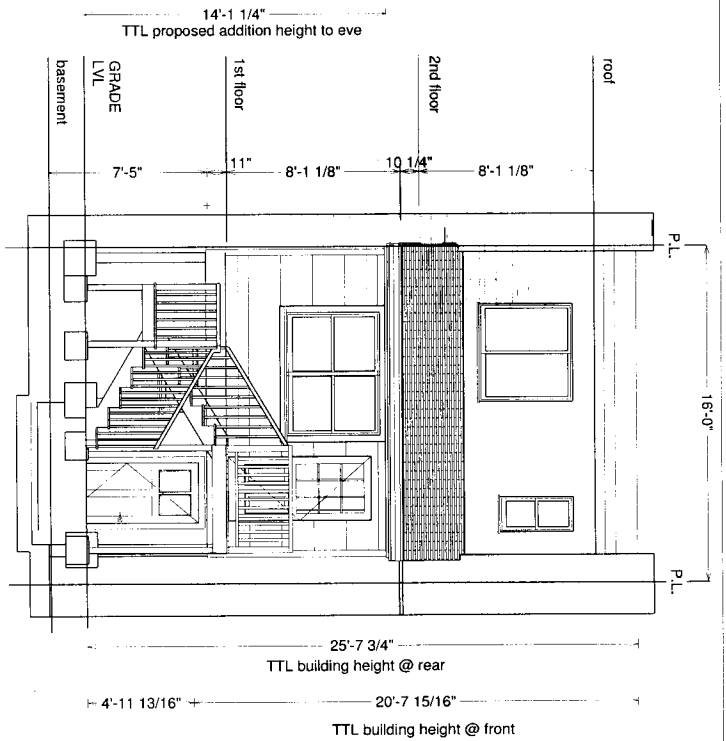
**EXISTING REAR ELEVATION**

SCALE: 1/4" = 1'-0"



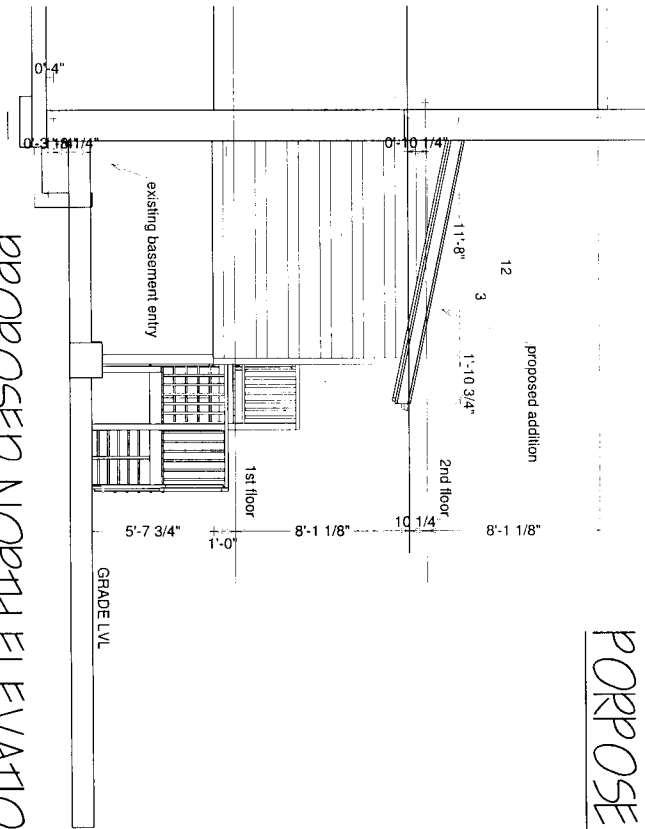
PROPOSED SOUTH ELEVATION

SCALE 1/4" = 1'-0"



PROPOSED REAR ELEVATION

SCALE 1/4" = 1'-0"



PROPOSED NORTH ELEVATION

SCALE 1/4" = 1'-0"

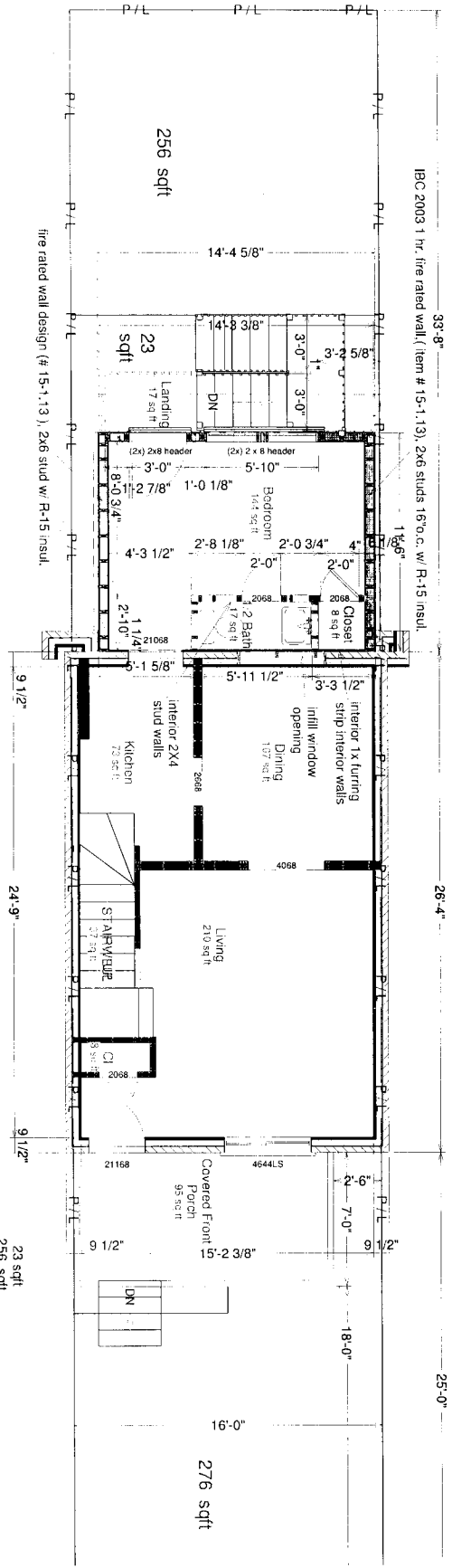
SPEECH ADDITION  
1714 PRICE STREET  
ALEXANDRIA, VA 22301

**Fair Square**  
DESIGN, LLC  
www.fairnsquare.net

Fair Square Design, LLC  
One South Street, Alexandria, VA 22301  
Phone: (703) 746-8877  
Fax: (703) 746-8877  
www.fairnsquare.net

DESIGNED BY  
JOSEPH A. BROWN  
REVIEWED BY  
DATE: 8/28/2009  
SCALE: 1" = 1/4"  
TYPE: ELEVATIONS  
REF: TO: B7A  
DRAWING SHEET:  
3 OF 4

# WALL FRAMING PLAN



# FLOOR PLAN & OPEN SPACE DETAIL

23 sqft  
 256 sqft  
 ± 276 sqft  
 555 sqft total proposed open area  
 exceeds (544 sqft or 40%) proportional to lot size for FB  
 1360 sqft. substandard lot size vs zone 1 980 sqft lot size

**SPEECH ADDITION**  
 1714 PRICE STREET  
 ALEXANDRIA, VA 22301

**Fair Square**  
 DESIGN, LLC  
 www.fairsquare.net

Paul E. Squares, Design, LLC  
 One Fair Square Avenue  
 Alexandria, VA 22301  
 Office (703) 846-2216  
 Fax (703) 745-5527  
 Cell (703) 592-2827  
 Email paul@fairsquare.net  
 paul@paulsquares.com  
 paul@paulsquares.com

DRAWING SET:  
 4 OF 4  
 REF: CO. B7A  
 DATE: 9/28/2009  
 SCALE:  
 TYPE: