Docket Item #1 BZA CASE #2009-0025

Board of Zoning Appeals November 12, 2009

ADDRESS:227 NORTH ROYAL STREETZONE:RM, RESIDENTIALAPPLICANT:JAN BURRIS, OWNER, BY GAVER NICHOLS, ARCHITECT

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

CODE	SUBJECT	CODE	APPLICANT	REQUESTED
SECTION		REQMT	PROPOSES	EXCEPTION
3-1106(3)(a)	rear yard	16.00 feet	13.00 feet	3.00 feet

BOARD OF ZONING APPEALS ACTION OF NOVEMBER 12, 2009: On a motion to approve by <u>Mr. Allen</u>, seconded by <u>Mr. Lantzy</u>, the special exception was approved by a vote of 6 to 0.

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

Speakers:

Gaver Nichols, architect, made the presentation.

The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception, including the following condition that all downspouts be undergrounded on the north building wall of 227 North Royal Street to reduce impact of water on 318 Queen Street.

If the Board decides to grant the requested special exception with the following condition 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. <u>Issue</u>

The applicant proposes to construct a rear second story addition over an existing one-story sun room at 227 North Royal Street.

II. <u>Background</u>

The subject property is one lot of record with 22.00 feet of frontage facing North Royal Street; a depth of 75.24 feet along the south side of the property; a depth of 75.01 along the north side of property; and a total of 22.00 feet along the east side of the property. The property contains 1,650 feet of lot area.

A two-story semi-detached dwelling with a one-story rear addition is located 4.00 feet over the existing front property line facing North Royal Street. At the property line's closest point, the house sits 2.00 feet from the north front property line.



Records show that in June, 1981, the property at 227 N. Royal received a permit to enclose the existing one story porch.

A two-story, brick dwelling is located within the boundaries of the locally-designated Old and Historic Alexandria District. The subject property appears on the 1891 Sanborn map but not the 1885 map, which indicates it was built between 1885 and 1891. The house was constructed as one of a pair with the property immediately to the south at 225 North Royal Street. Each house was constructed of brick with a rear ell and a small, one-story rear frame addition/porch. The Sanborn Fire Insurance Maps indicate that the rear of this dwelling was altered several times during the first half of the twentieth century. Because of its location within the Old and Historic Alexandria District, any exterior changes visible from a public right-of-way, including new additions and new construction, as well as any demolition or encapsulation over 25 square feet, require an approval by the Board of Architectural Review (BAR) for a Permit to Demolish/Encapsulate and a Certificate of Appropriateness. In addition, any additional changes to the exterior visible from a public right-of-way, including but not limited to, new fences, lighting, garden walls, also require approval by the Board. The proposed addition will not be visible from a public right-ofway.

III. Description

The applicant proposes to construct a second-story rear addition over an existing onestory structure 7.50 feet from the east side of the property and 13.00 feet from the rear property line. The addition measures 9.50 feet by 13.30 feet, totaling 128.25 square feet. The addition will measure 21.25 feet in height measured from the ground to midpoint of

the roof facing the rear property line. The applicant must request a special exception of 3.00 feet from the requirement of 16.00 feet to the rear property line.



The applicant is proposing to expand a second-story bedroom over an existing one-story rear addition. The proposed addition will have a shed roof, continuing the existing roof form, and will be clad in fiber cement siding. The applicant proposes to match the trim and siding with the existing one story addition. The second-story is proposed to have three single-light doors with a metal railing above the existing three single-light doors on the north elevation. The east elevation will feature three ganged windows with a six-over-six light configuration. Staff reminds the applicant to refer to the *Design Guidelines* related to additions and other relevant chapters prior to submitting for approval of a Permit to Demolish/Encapsulate and/or Certificate of Appropriateness.

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. <u>Master Plan/Zoning</u>

The subject property is zoned RM and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Old Town Small Area Plan.

V. <u>Requested Special Exception:</u>

3-1106(3)(a) Rear Yard Setback

The RM zone requires a 16.00 feet minimum rear yard setback or a 1:2 ratio of building height. A rear yard setback of one foot is required for every two feet in height. Based on the proposed height of 21.25 feet from the midpoint of the gable of the new second floor addition, the required setback is the minimum 16.00 feet. The proposed second floor will be located over the existing rear one story addition. A 3.00 rear yard setback modification is required for the second floor addition that will be located 13.00 feet from the rear property line.

VI. <u>Noncomplying Structure/ Substandard Lot</u>

Requirement	Required	Existing	Noncompliance
Lot Width	25.00 feet	22.00 feet	3.00 feet
Rear Yard (east)	16.00 feet	13.00 feet	3.00 feet
Open Space	587.20 feet	570.00 feet	17.20 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. <u>Staff Conclusion</u>

In this particular case a proposed second story addition will be built in line with an existing one story addition that sits 13.00 feet from the rear property line. No other relief is requested. The request to extend the one noncomplying plane is one for which a special exception may be sought.

Neighborhood Impact

The subject lot is one of two single-family lots similar in lot width and depth. The adjacent property directly to the north (314 Queen Street) is two-stories in height. The proposed second story addition on the subject property will likely not have an impact on the light and air of this property. The property owners at 314 Queen Street, however, state that on occasion water damage has occurred on the south wall of their home. It is possible that any new construction at 227 North Royal Street might exacerbate water run-off towards 314 North Queen Street. Currently there is a side yard area that is 7.50 feet between the two properties.

312 Queen Street is a two-and a half story house with a rear two story addition. From 312 Queen Street there is approximately 13.00 feet from the one-story addition at 227 North Royal Street to the shared north side property line.

Also, the other most affected property will be to the south at 225 N. Royal Street. The subject property currently has a one story addition with an open roof top deck that projects further than the adjacent property. There is only 1.10 feet between the two properties.

Light and Air

The proposed design is modest and the proposal does not unduly exacerbate existing conditions on the lot. Constructing an enclosed second story addition may somewhat reduce light and air enjoyed by the neighboring property to the south (225 N. Royal Street) since the subject property currently has an addition that projects further than the adjacent property. Staff believes that although the loss of the current open porch currently affords the adjacent property more light and air than will the new second story.

Lot Constraints

The subject property exceeds the lot area required by the RM zone for a single-family dwelling. Although the existing lot is larger than a standard size RM zone lot, it is the existing one story rear addition that does not meet the minimum required rear yard setback of 16.00 feet. The adjoining lots are similar in size and configuration and most homes are two-story or slightly taller than the subject building.

Drainage

The subject property abuts 318 Queen Street directly to the north. The property owners state drainage on the south wall of 318 Queen Street has been a long standing issue. Facing inward at 227 North Royal Street is an interior wall that suffers periodic water damage. The property owners at 318 Queen Street support the applicant's request but ask that all downspouts be undergrounded to divert water away the south wall of 318 Queen Street.

Staff Conclusion

Staff believes the submitted case meets the test for a special exception because the proposed design is modest. Nearby homes are similar in height and scale. The modest second floor addition does not unduly exacerbate existing conditions and is consistent with the neighborhood character where two-story rear additions exist. Staff recommends approval of the special exception request with the condition that all downspouts on the north building wall of the subject property be undergrounded to divert water away from the south wall at 318 Queen Street.

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 that 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 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 minimal ground disturbance involved in 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.













APPLICATION BOARD OF ZONING APPEALS (A) (D) M E Ę E n SPECIAL EXCEPTION FOR ADDITIONS <u>~</u>~ BZA CASE # PLANNING & ZONING

file copy

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

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3-1106 (A)(3) [160" MILIANA PEQUPEMEN	ν <u>τ</u>

PART A

1.	Applicant: X Owner [] Contract Purchaser
	Name JAN BURRUS (OWNER)
	Address 227 NORTH POYAL STREET
	AUDX. VA. 22314 Daytime Phone HM. 703-684-3973.
2.	Property Location 227 NOPTH POYAL STREET
3.	Assessment Map 005.03 Block 10 Lot 02 Zone PM ZONE
4.	Legal Property Owner:
	Name JAN BURRUS
	Address 227 NORTH POYAL STREET
	ALEXANDRIA, VA. 22314

 Application BZA Exception Additions.pdf

 8/1/06
 Pnz/Applications, Forms, Checklists\Zoning Miscellaneous

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5.	Describe request briefly :
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	Yes — Provide proof of current City business license.
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	[] 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:

Print name ARCHITECT

ann nuchol AIA signature

703-836-5209 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).

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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:

THE APPLICANT IS EXPANDING A BEDFOOM BY EXTENDING THE	
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3. Will the proposed addition reduce or block light and air to adjacent property? Explain:

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BZA CASE #_____ 13 How is the proposed construction compatible with other properties in the neighborhood and the character of 4. the neighborhood as a whole? Explain: ADDITION IS NOT SEEN FROM THE STREET ADD BE CONSTRUCTED WITH 17) FRAME CONSTRUCTION HARDIPLANE SUDING, \sqrt{X} IN KEEPING WITH UP ONE SASRY ADDITION BBOW, THAT NEGHARA BRICK TAUNHOUSES WITH 12XD HAS FRAME ADDITIONS á. ar PLAN How is the proposed construction similar to other buildings in the immediate area? 5. MATCHING THE TRIM BOARDS WE ARE AND STONG DETAILS OF THE EXISTING TOWNITOUS ONE STORY PORTION AND INE ALSO MATCH DX1STING FRAME TOWPHOUSE DETAILS NEARB Does this plan represent the only reasonable location on the lot to build the proposed addition? Explain: 6. THE PROPOSED 126 SQ. Ft. APPITON 15 DIFECTLY EXISTING ONE STORY are THE PORTION a TTE OME. 11 15 THE ONLY PERSONABLE PLAN. Has the applicant shown the proposed plans to the adjacent most affected property owners? Has any 7. 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: THE HAS SHAN PUANS τv ADJACEN KEL. GHB025 WILL SUBMIT SUPPOR AD LEAEDED

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

A. Property Information

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NORTH ROYAL 227 STREET A1. Street Address Zone PM - Tanktase 1052 A2.

Floor Area Ratio Allowed by Zone

Total Lot Area **B. Existing Gross Floor Area**

Existing Gross Area*		Allowable Exclusions	
Basement	968	Basement**	968
First Floor	1094	Stairways**	78
Second Floor	968	Mechanical**	0
Third Floor	0	Other**	0
Porches/ Other	0	Total Exclusions	10410
Total Gross *	3030		

Maximum Allowable Floor Area

B1. Existing Gross Floor Area * 3030 Sq. Ft. B2. Allowable Floor Exclusions** B3. Existing Floor Area minus Exclusions (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	0	Stairways**	0
Second Floor	126	Mechanical**	0
Third Floor	0	Other**	ð
Porches/ Other	0	Total Exclusions	0
Total Gross *	120		

C1. Proposed Gross Floor Area * 126 Sq. Ft. C2. Allowable Floor Exclusions** 0_____ Sq. Ft. C3. Proposed Floor Area minus Exclusions 20 Sq. Ft. (subtract C2 from C1)

D. Existing + Proposed Floor Area 2110 Sq. Ft.

Sq. Ft.

D2. Total Floor Area Allowed by Zone (A2) 2478

*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 (Section2-145(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

D1. Total Floor Area (add B3 and C3)

	Existing Open Space	286 \$	570	ф
	Required Open Space	1652×,35=578 p		
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	and the second se			•

 $7.5' \times 36' = 205$ P POT A LIGUED IN CALC, SEE Set: 3 - 1006 (B)(4)The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and

Signature: _____ Barrier Michols ATA

Date:



KEY

CHESAPEAKE BAY

PRESERVATION ACT

New ADDITE + P



FIRST FLOOR PLAN - EXIST.

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X= 1

ADDITION A

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