

Docket Item #1
BZA CASE #2009-0027

Board of Zoning Appeals
December 10, 2009

ADDRESS: 219 E. OXFORD AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: PAUL HAIRE, OWNER

ISSUE: Special exception to raise the roof and extend the dwelling in the required east side yard setback.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (East) (Extension and raised roof)	7.83 feet*	3.90 feet	3.93 feet

*Based on the building height of 23.50 feet to the flat roof.

BOARD OF ZONING APPEALS ACTION OF DECEMBER 10, 2009: On a motion to approve with the conditions that the front porch must remain open and that the applicant will remove the oak tree located near the east side property line prior to construction by Mr. Goodale, seconded by Mr. Allen, 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.

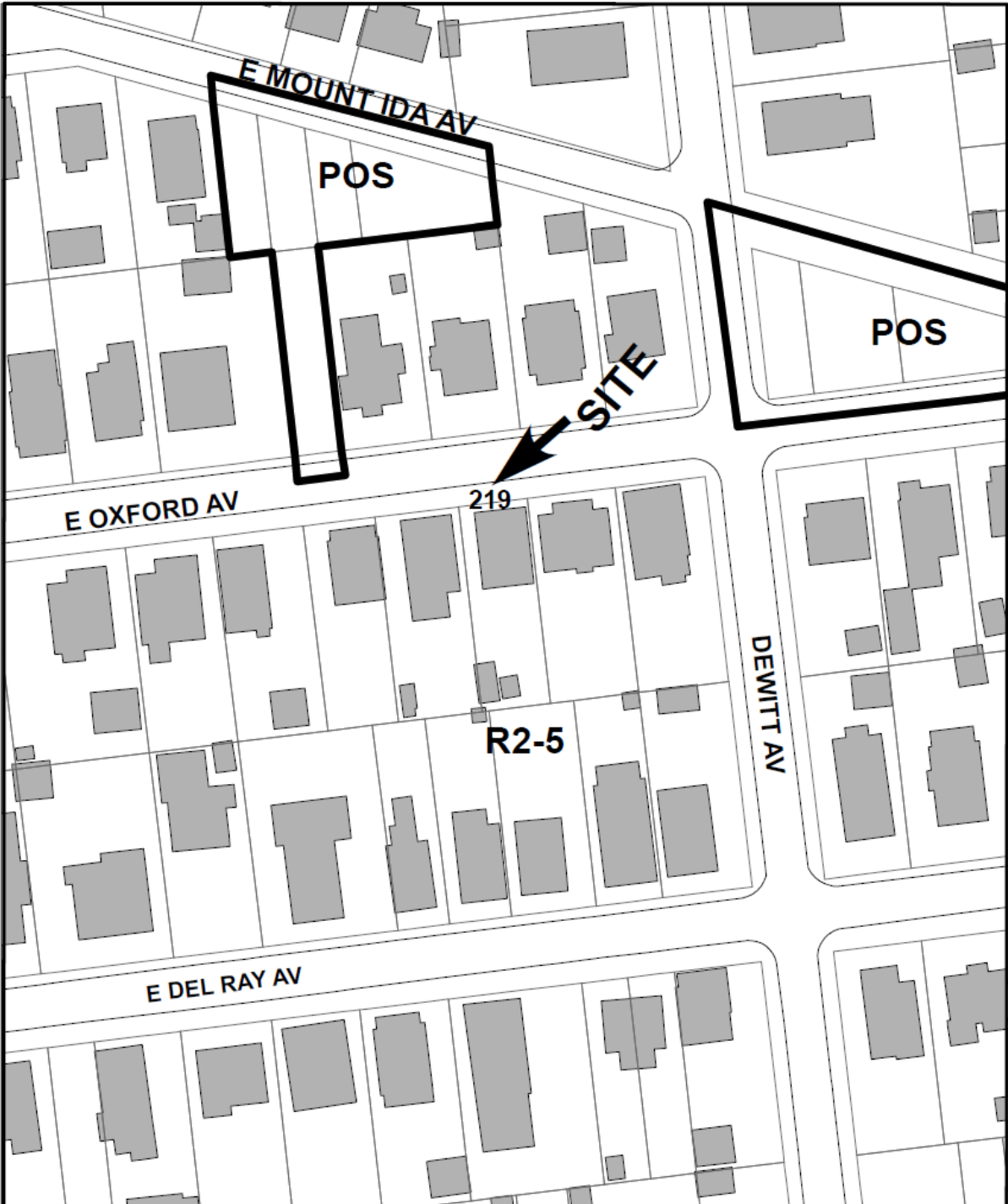
Speakers:

Paul Haire, managing partner of Alexandria Capital Assets LLC, made the presentation.

Margaret Guryan, neighbor at 221 East Oxford Avenue, spoke in support with the condition that the applicant agree to remove the oak tree located near the east side property line prior to construction.

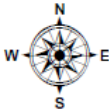
The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception with the condition that the reconstructed front porch must remain open.

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.



BZA CASE #2009-0027

12/10/2009



I. Issue

The applicant proposes to extend the dwelling 4.00 feet toward the rear, raise the existing roof ridge 1.00 foot, raise the rear gable roof, construct a two-story rear addition and a deck, and reconstruct an open front porch at 219 East Oxford Avenue.

II. Background

The subject property is one lot of record with 41.67 feet of frontage facing East Oxford Avenue and a depth of 115.00 feet. The property contains 4,792.05 square feet of lot area and is substandard as to lot area and noncomplying as to the lot width for a property in the R-2-5 zone. The R-2-5 zone requires a minimum lot area of 5,000 square feet and width of 50.00 feet for a single-family dwelling. The one and one-half-story, cross-gable vernacular house with a front porch is identified as a contributing resource within the Town of Potomac National Register Historic District. According to the National Register nomination, this house was constructed in 1940.

The existing dwelling is located 8.00 feet from the front property line, 12.70 feet from the west side property line, 3.90 feet from the east side property line and 68.75 feet from the rear property line. A detached rear garage is located in the required rear yard on the west side property line.

III. Description

The applicant proposes the following improvements to the house;

- a) Extend the footprint of the existing house by 4.00 feet towards the rear property line and raise the existing roof ridge 1.00 foot and raise the rear gable to connect with a proposed two-story rear addition. The portion of the extension of the existing house will be located 12.70 feet from the west side property line and 3.90 feet from the east side property line, in line with the existing east building wall and will continue the existing 18 inch overhang. The height of this portion of the addition is 18.66 feet to the midpoint of the roof gable and 23.50 feet to top of the flat roof, which requires a setback from the east side property line of 7.83 feet. The applicant requests a special exception to extend the dwelling in line with the existing east wall and raise the roof 3.90 feet from the east side property line.
- b) Build a two-story rear addition located 9.00 feet from the east side property line and 19.50 feet from the west side property line and measures approximately 18.40 feet by 17.00 feet, a total of 312.80 square feet. The addition measures 25.00 feet in height to the midpoint of the roof gable facing the east side property line which requires a setback from the east side property line of 8.33 feet.
- c) Construct a rear deck measuring 10.80 feet by 15.50 feet, a total of 167.40 square feet. The deck will be located 11.00 feet from the east side property line, 19.50 feet from the west side property line and 37.00 feet from the rear property line.

The deck will measure 13.00 feet in height to the top of the deck floor, which requires a setback from the side property lines of 8.00 feet and 13.00 feet from the rear property line.

- d) Reconstruct the existing open front porch 8.00 feet from the front property line, 4.50 feet from the east side property line and 12.70 feet from the west side property line. The existing porch measures 25.00 feet by 7.00 feet, totaling 175 square feet. No expansion of the porch is proposed. The applicant is altering the roof line by removing the existing front gable the porch and leaving only a shed roof above the porch.

The proposed two-story rear addition and deck do not require a special exception. The applicant may also replace the existing porch without a variance or special exception with the condition that it must remain open.

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 for residential use.

V. Requested Special Exception:

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

The applicant requests a special exception of 3.93 feet from the required 7.83 feet east side yard setback, based on a building height of 23.50 feet to the flat roof and to extend the existing house and raise the roof to connect to a proposed rear addition.

VI. Noncomplying structure

The existing dwelling at 219 East Oxford Avenue is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side Yard	7.00 feet	3.90 feet	3.10 feet
Lot Area	5,000 sq ft	4,792.09 sq ft	207.91 sq ft
Lot Width	50.00 ft	41.67 ft	8.33 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

Within the immediate neighborhood and throughout the Town of Potomac there are numerous two-story and second story additions. The area of the proposed special exception is modest in size and scale, continues the existing lines of the house and will not overwhelm the existing dwelling. The new ridge height and the small extension of the dwelling are unlikely to reduce light or air to any adjacent property and are in keeping with the character of the neighborhood.

Staff has some concern that the proposed height of the two-story rear addition may be out of scale with the existing historic dwelling and suggests that the applicant lower the roof ridge so it will not extend above the slightly raised roof ridge of the existing dwelling. However, Staff notes that the proposed rear addition complies with all zoning requirements.

Staff **recommends approval** of the requested special exception with the condition that the reconstructed front porch must remain open.

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 specimen trees are affected by this plan.

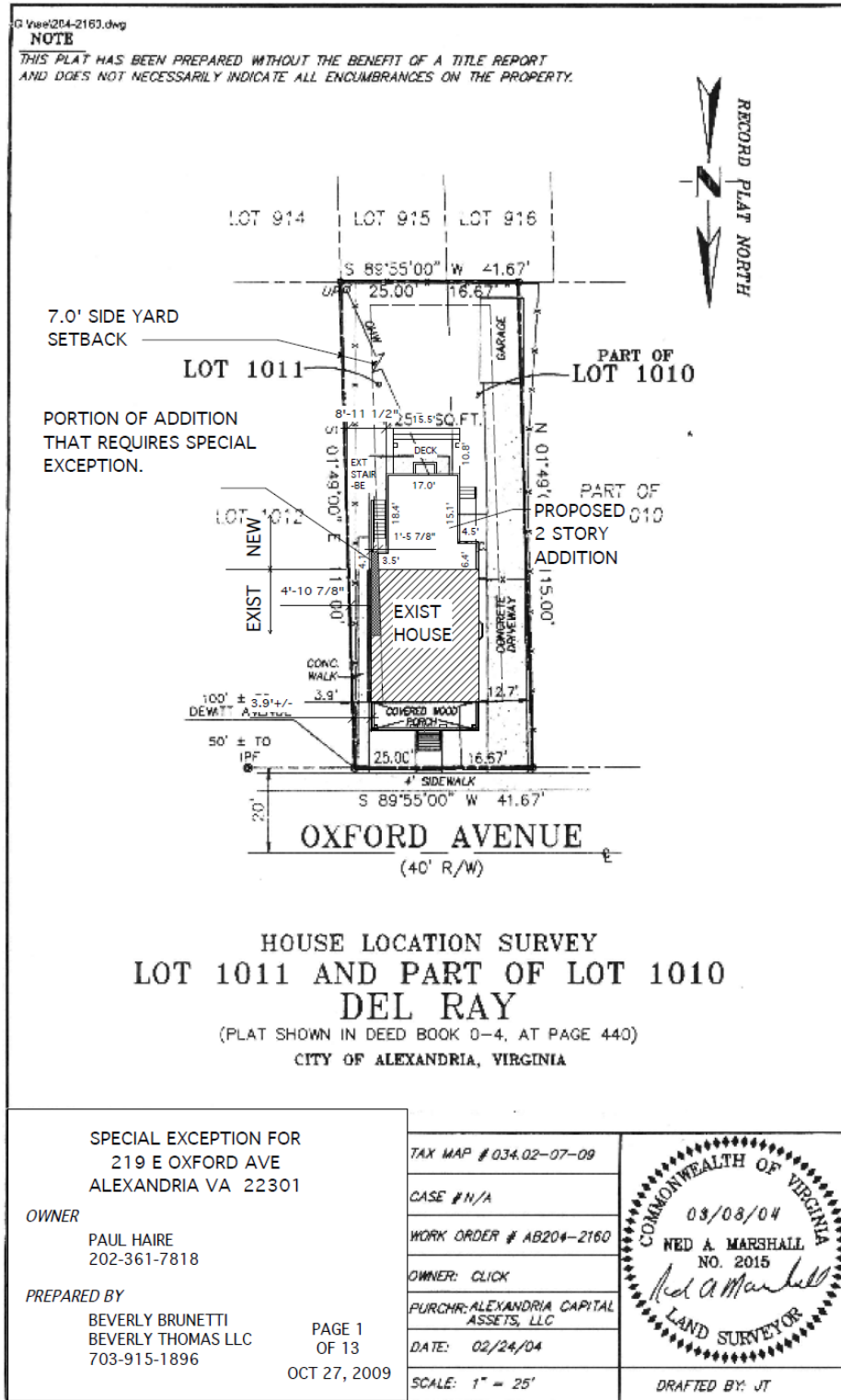
Historic Alexandria (Archaeology):

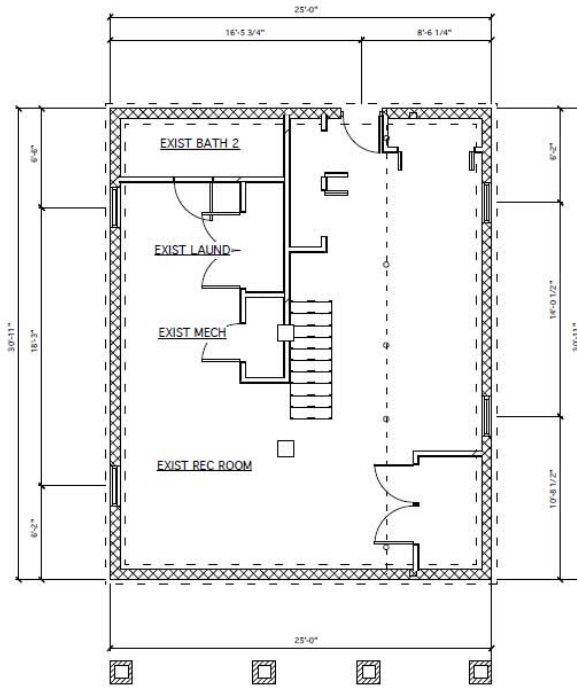
F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

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.

IX. Images



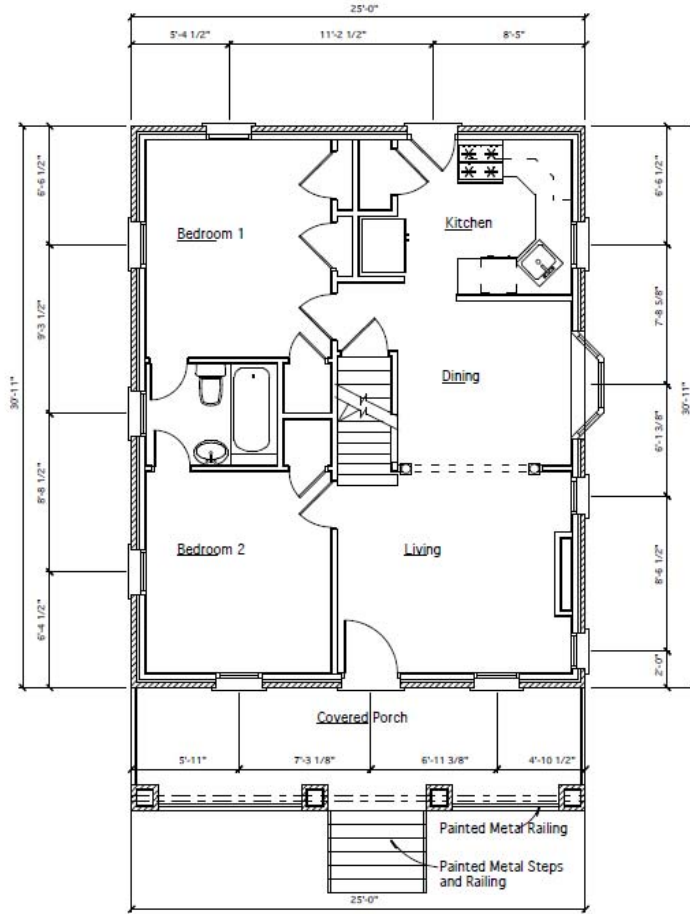


EXIST BASEMENT PLAN

1/8" = 1'-0"



SPECIAL EXCEPTION FOR		
219 E OXFORD AVE		
ALEXANDRIA VA 22301		
<i>OWNER</i>	PAUL HAIRE 202-361-7818	
<i>PREPARED BY</i>	BEVERLY BRUNETTI BEVERLY THOMAS LLC 703-915-1896	
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EXIST FIRST FLOOR PLAN
1/8" = 1'-0"

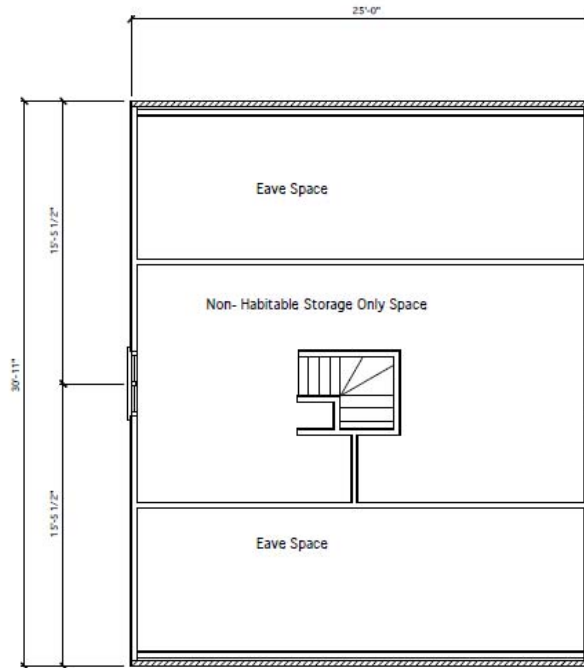


SPECIAL EXCEPTION FOR
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ALEXANDRIA VA 22301

OWNER
PAUL HAIRE
202-361-7818

PREPARED BY
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BEVERLY THOMAS LLC
703-915-1896

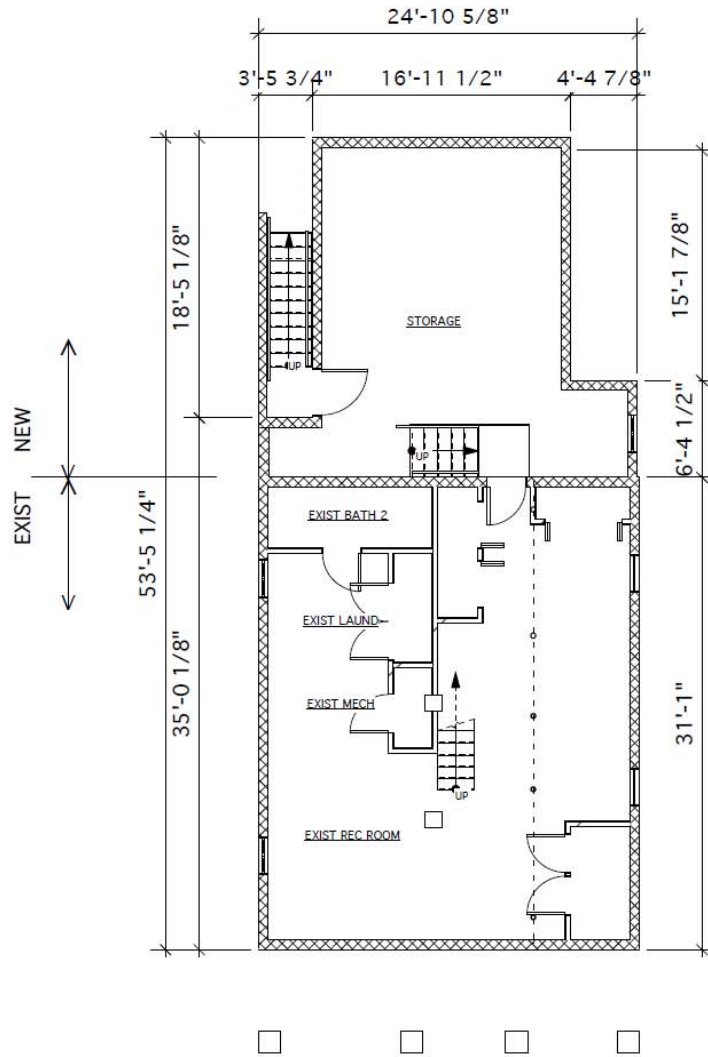
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EXIST SECOND FLOOR PLAN
1/8" = 1'-0"



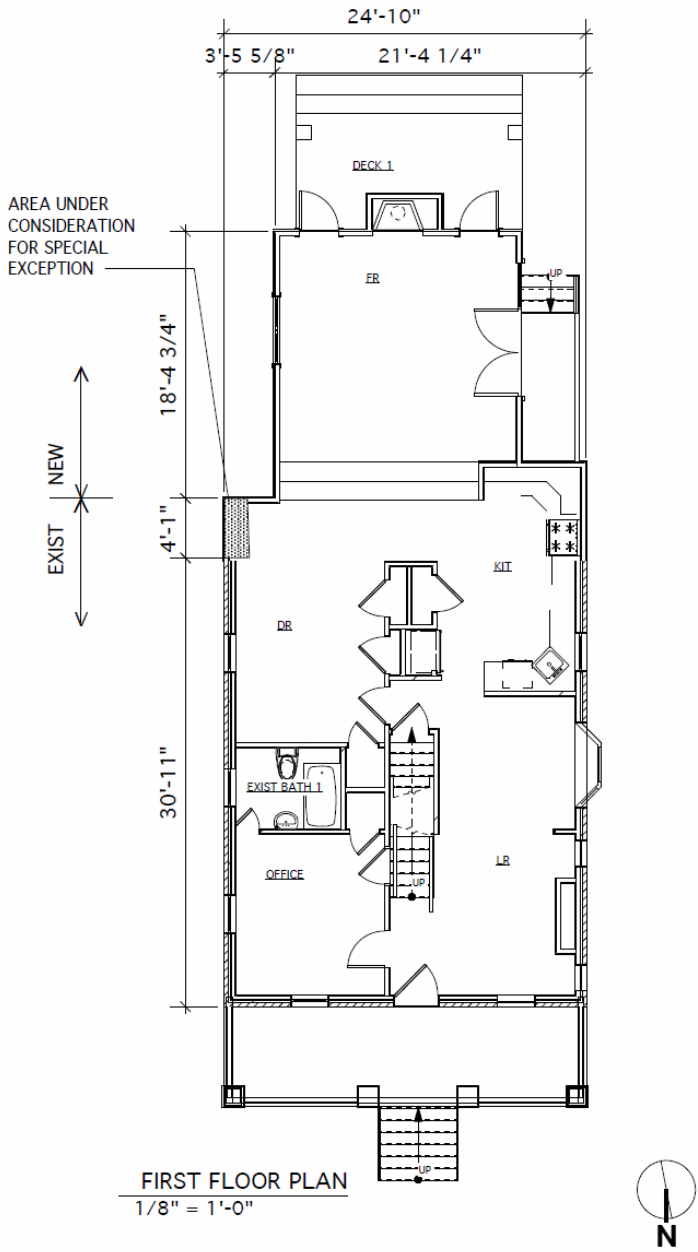
SPECIAL EXCEPTION FOR 219 E OXFORD AVE ALEXANDRIA VA 22301		
<i>OWNER</i>	PAUL HAIRE 202-361-7818	
<i>PREPARED BY</i>	BEVERLY BRUNETTI BEVERLY THOMAS LLC 703-915-1896	PAGE 4 OF 13
		OCT 27, 2009



BASEMENT PLAN
1/8" = 1'-0"



SPECIAL EXCEPTION FOR 219 E OXFORD AVE ALEXANDRIA VA 22301		
OWNER	PAUL HAIRE 202-361-7818	
PREPARED BY	BEVERLY BRUNETTI BEVERLY THOMAS LLC 703-915-1896	PAGE 5 OF 13 OCT 27, 2009

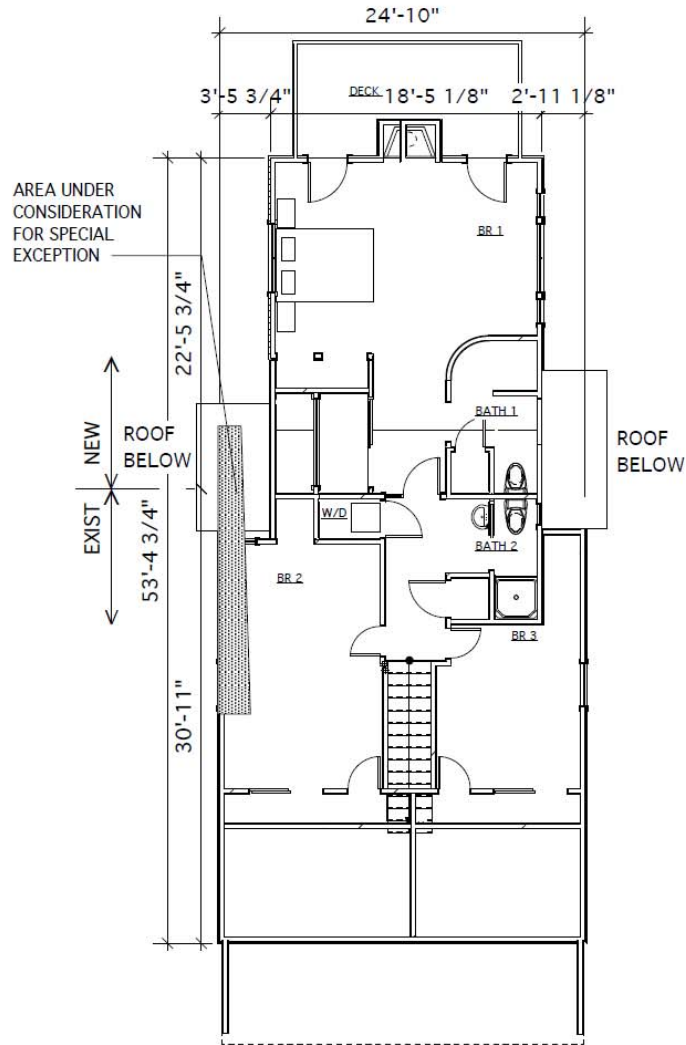


SPECIAL EXCEPTION FOR
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ALEXANDRIA VA 22301

OWNER
PAUL HAIRE
202-361-7818

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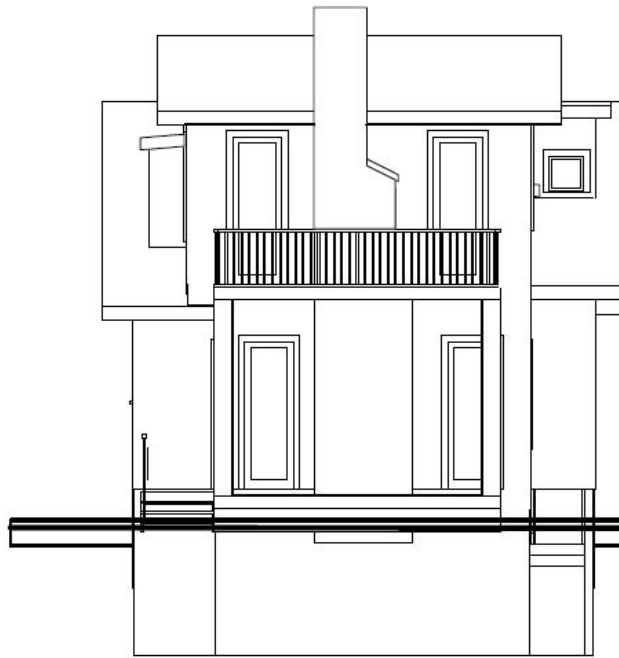
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SECOND FLOOR PLAN
1/8" = 1'-0"



SPECIAL EXCEPTION FOR 219 E OXFORD AVE ALEXANDRIA VA 22301		
OWNER	PAUL HAIRE 202-361-7818	
PREPARED BY	BEVERLY BRUNETTI BEVERLY THOMAS LLC 703-915-1896	PAGE 7 OF 13 OCT 27, 2009



SOUTH ELEVATION

1/8" = 1'-0"

SPECIAL EXCEPTION FOR
219 E OXFORD AVE
ALEXANDRIA VA 22301

OWNER

PAUL HAIRE
202-361-7818

PREPARED BY

BEVERLY BRUNETTI
BEVERLY THOMAS LLC
703-915-1896

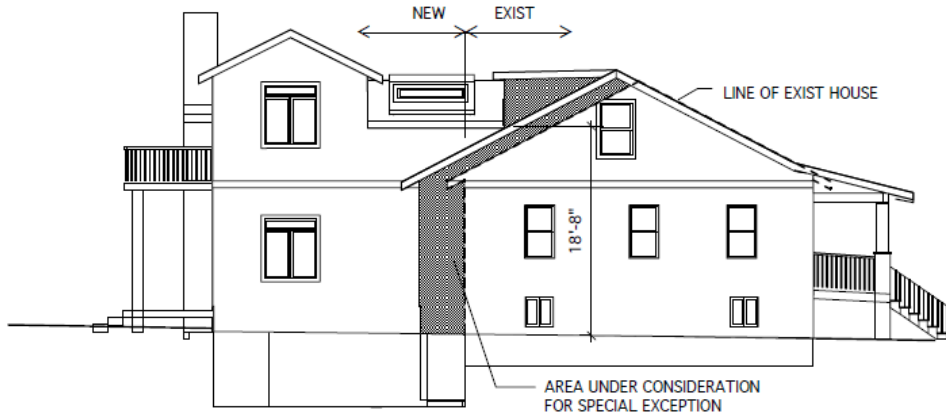
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NORTH ELEVATION
1/8" = 1'-0"

SPECIAL EXCEPTION FOR		
219 E OXFORD AVE		
ALEXANDRIA VA 22301		
<i>OWNER</i>	PAUL HAIRE 202-361-7818	
<i>PREPARED BY</i>	BEVERLY BRUNETTI BEVERLY THOMAS LLC 703-915-1896	PAGE 9 OF 13
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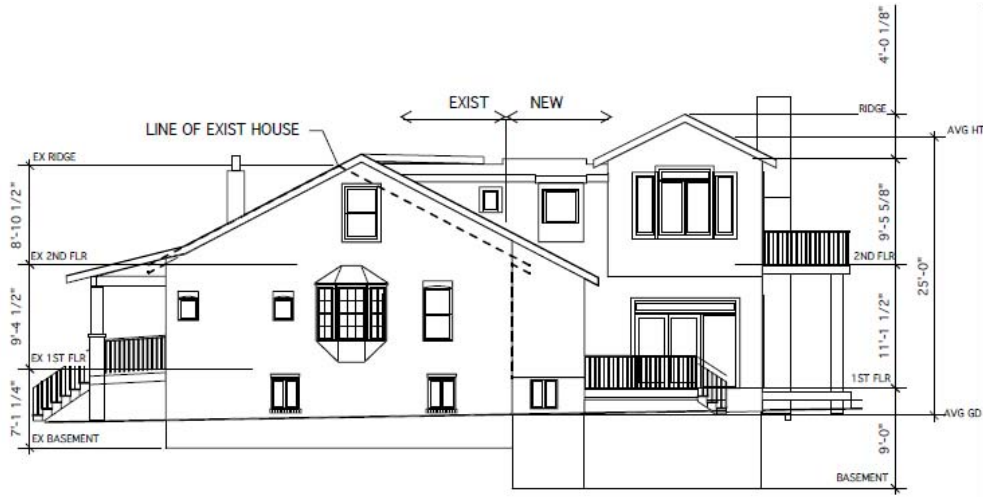
EAST ELEVATION
1/8" = 1'-0"

SPECIAL EXCEPTION FOR
219 E OXFORD AVE
ALEXANDRIA VA 22301

OWNER
PALL HAIRE
202-361-7818

PREPARED BY
BEVERLY BRUNETTI
BEVERLY THOMAS LLC
703-915-1896

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WEST ELEVATION
 1/8" = 1'-0"

SPECIAL EXCEPTION FOR
 219 E OXFORD AVE
 ALEXANDRIA VA 22301

OWNER: PAUL HAIRE
 202-361-7818

PREPARED BY: BEVERLY BRUNETTI
 BEVERLY THOMAS LLC
 703-915-1896

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December 3, 2009

Mr. Michael Curry, Chairman
Board of Zoning Appeals
City of Alexandria
Department of Planning & Zoning
301 King Street, Room 2100
Alexandria, VA 22314

Dear Mr. Curry:

We have reviewed the drawings for the proposed addition at 219 E. Oxford Avenue. We recognize that the major part of the addition is within zoning regulations but have some concerns about the portion under consideration for special exception. The proposed four-foot extension of the wall will affect our eastern sideyard, which is currently a landscaped area that is largely unused because of the proximity of the neighboring house. Although we rarely occupy this part of our yard, we are concerned that the proposed addition to the area under consideration for special exception will extend an already unusable area, especially if we decide to build an addition to our house in the future. We are also concerned about the height of the proposed addition which will cut out a significant amount of light and air to our backyard.

We have also raised some concerns about trees that border the proposed addition and are waiting for a response from the city arborist.

We would like to support our neighbor in his efforts to improve the property but also want to make our concerns known to the Board of Zoning Appeals. Thank you for your consideration.

Sincerely,

Margaret Guryan