

Docket Item #4
BZA CASE #2010-0006

Board of Zoning Appeals
April 8, 2010

ADDRESS: 103 E. OAK STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: SCOTT MILLER, OWNER

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

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (Second Floor)	8.19 ft*	4.80 ft	3.39 ft

*Based on a building height of 24.58 feet to the mid-point of the gable roof facing the west side property line.

BOARD OF ZONING APPEALS ACTION OF APRIL 8, 2010: On a motion to approve Mr. Goodale, seconded by Mr. Lantzy, the special exception was approved by a vote of 6 to 0.

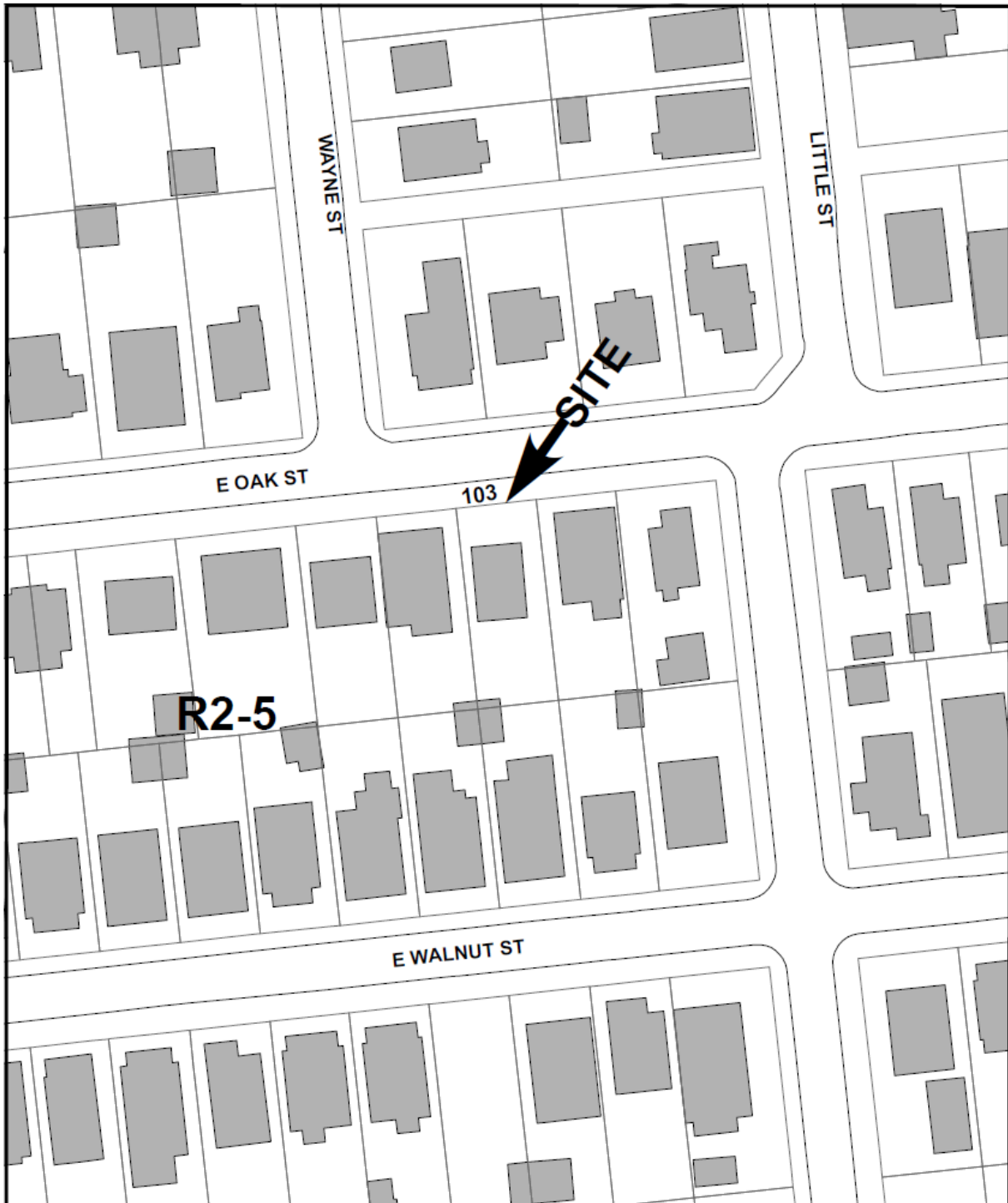
Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Scott Miller, owner, made the presentation.

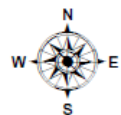
The staff **recommends approval** of the requested special exceptions because the request meets the criteria for a special exception.

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.



BZA CASE #2010-0006

4/8/2010



I. Issue

The applicant proposes to construct a second story and attic addition above the footprint of the existing house at 103 East Oak Street. The addition requires a special exception to align along one noncomplying wall facing the west side property line.

II. Background

The subject property is one lot of record with 40.00 feet of frontage facing East Oak Street, 100.00 feet of depth and contains 4.000 square feet of lot area. A one story brick single-family dwelling with an open front porch occupies the property and is located 13.00 feet from the front property line facing East Oak Street, 9.40 feet from the east side property line and 4.80 feet from the west side property line. According to real estate assessment records, the house was constructed in 1952.

III. Description

The applicant proposes to build a new a second story above the existing footprint of the house. The new second floor will measure 25.00 feet wide facing East Oak Street and 36.00 feet in depth and is located 4.80 feet at the closest point to west side property line. The addition measures 24.58 feet in height to the gable end of the roof facing the west side yard, thus requiring a setback of 8.19 feet. Upon completion of the new addition, a total of 697 net square feet of new space will be constructed. The second floor will accommodate four bedrooms, closets and two bathrooms. The applicant must request a special exception of 3.39 feet to construct the second floor facing the required west side yard and in line with the existing house.

The proposal to build a roof over the existing front open porch complies with the prevailing front setback of existing homes on the south side of the East Oak Street between Little Street and Marstellar Street. The average front yard setback along East Oak Street on the same side as the applicant's property is 14.60 feet. The existing open front terrace is located 15.00 feet from the front property line facing East Oak Street. Under the zoning regulations, up to 240 square feet of a covered open porch may be deducted from the allowable floor area. The applicant is deducting 225 square feet of the porch from the allowable floor area. No special exception is required to build a roof above the existing porch.

Upon completion of all 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 the Potomac West Small Area Plan for residential low use.

V. Requested Special Exception:

3-506(A) (2), Side Yard:

The applicant requests a special exception of 3.39 feet to build a second floor addition in line with the existing house facing the west side property line.

VI. Noncomplying Structure/ Substandard Lot

The existing dwelling at 103 East Oak Street is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
SideYard (West)	7.00 feet	4.80 ft	2.20 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. Applicants' Justification

The current house is limited in size to accommodate a growing family. The special exception will permit a second floor to be constructed above the existing building footprint. Given the size and the limited depth of the lot, a rear addition was not practical. A rear addition would eliminate a backyard used extensively by the applicants' children. Upon completion of the work, the new second floor and renovations to the house will be in keeping with the character of the neighbor. Many of his neighbors on the block are in support of the proposed renovations.

IX. Staff Conclusion

Given the size of the lot, the proposed renovation and addition is the only reasonable solution to add a modest amount of square feet. The second-story addition is in keeping with the character of the neighborhood. The majority of the homes that surround the subject property are 1½ story, with a mixture of 1½ to 2 ½ story homes on the block and in the neighborhood. The design and size of the addition is compatible with character of the block and the two adjoining homes on either side of the subject property. The proposed addition does not appear to negatively impact the adjacent property to the west, nor detract from the building design. By constructing an addition above the existing footprint, the applicant will preserve the open space and openness on the lot that would be negatively impacted by construction of a rear addition. Although the addition will slightly increase shade on the adjoining property, it should not be significant.

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 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>

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of storm water drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.8-1-22)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-5 Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25)
- C-6 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)

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 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-6 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-7 A new certificate of occupancy is required.
- C-8 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-9 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.

Recreation (Arborist):

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

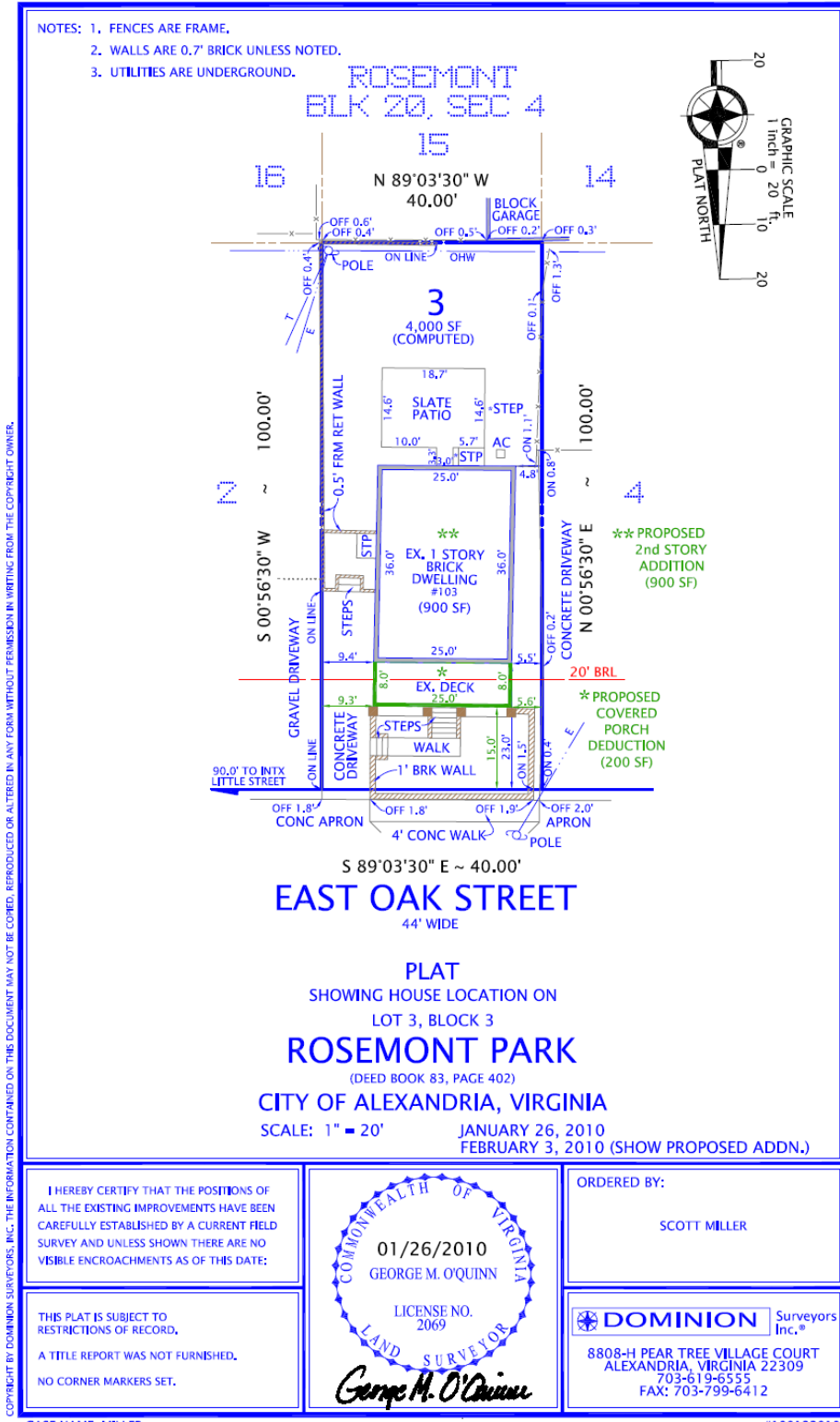
Historic Alexandria (Archaeology):

- 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 footprint building and improvements are in place, pursuant to Alexandria City Code section 8-1-12.

X. Images



MILLER RESIDENCE
 103 EAST OAK STREET
 CITY OF ALEXANDRIA, VIRGINIA

Certification:

Dates:
 Issued: 01 APR 10
 Revisions:



REAR ELEVATION
SCALE: 3/16" = 1'-0"



LEFT HAND SIDE ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"

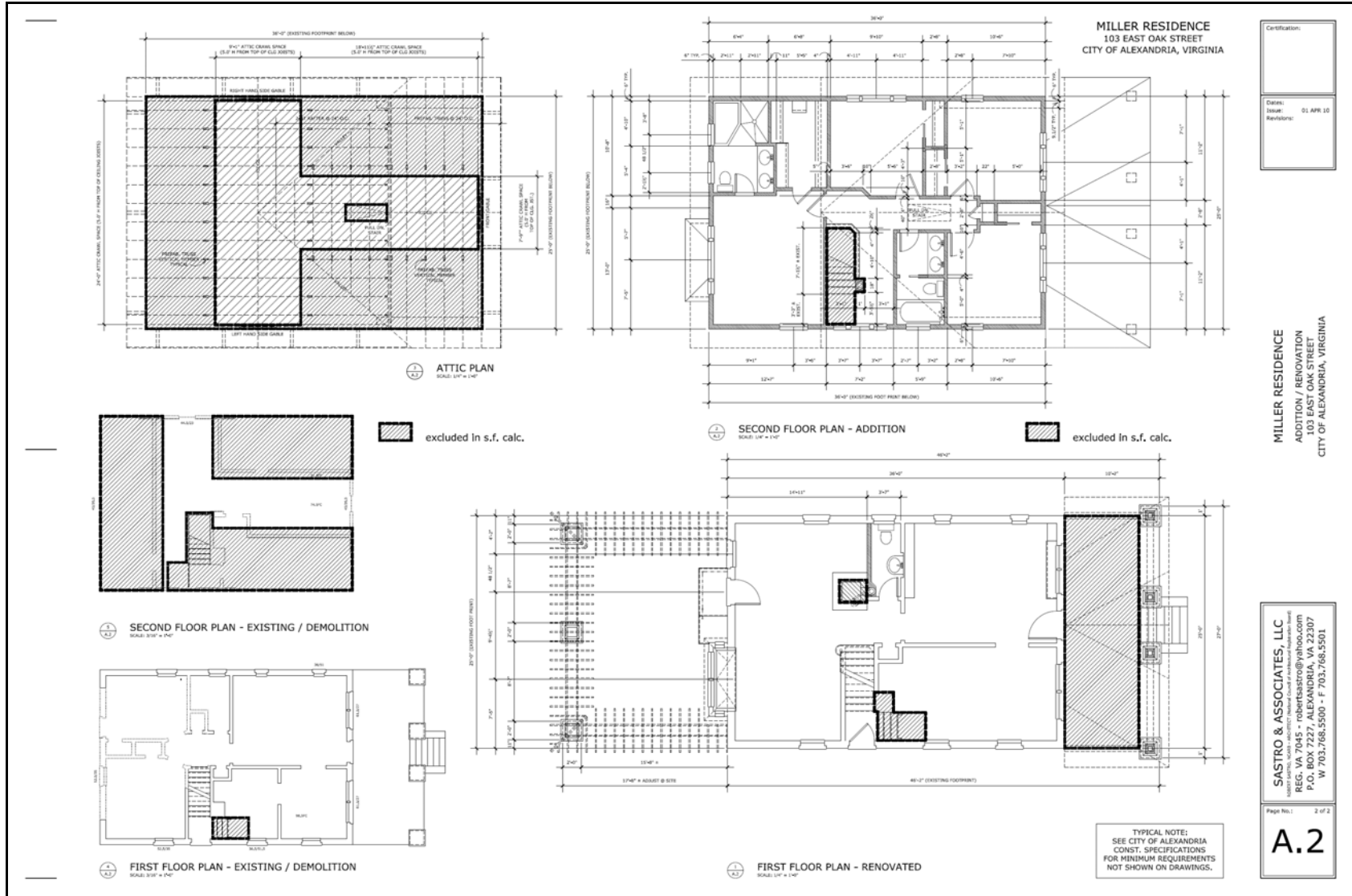


RIGHT HAND SIDE ELEVATION
SCALE: 3/16" = 1'-0"

TYPICAL NOTE:
 SEE CITY OF ALEXANDRIA
 CONST. SPECIFICATIONS
 FOR MINIMUM REQUIREMENTS
 NOT SHOWN ON DRAWINGS.

SASTRO & ASSOCIATES, LLC
ARCHITECTS
 REG. VA 7045 • robertsastro@yahoo.com
 P.O. BOX 7227, ALEXANDRIA, VA 22307
 W 703.768.5500 • F 703.768.5501

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A.1



Certification:

Date: 01 APR 10
Issue:
Revision:

MILLER RESIDENCE
ADDITION / RENOVATION
103 EAST OAK STREET
CITY OF ALEXANDRIA, VIRGINIA

SASTRO & ASSOCIATES, LLC
REG. VA 7045 - robertssastro@yahoo.com
P.O. BOX 7227, ALEXANDRIA, VA 22307
W 703.768.5500 - F 703.768.5501

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105 E. Oak



101 E. Oak









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File copy

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**APPLICATION
BOARD OF ZONING APPEALS**

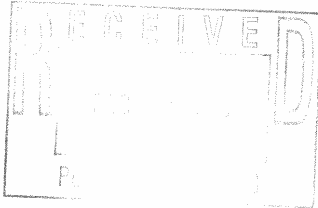
SPECIAL EXCEPTION FOR ADDITIONS

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

PART A

- 1. Applicant: Owner Contract Purchaser Agent
 Name Scott A Miller
 Address 103 E. Oak Street, Alexandria, VA 22301

 Daytime Phone 202-352-0294
 Email Address samiller06@hotmail.com
- 2. Property Location 103 E. Oak Street
- 3. Assessment Map # 53.04 Block 8 Lot 15 Zone R-2-5
- 4. Legal Property Owner Name Scott A. Miller
 Address 103 E. Oak Street, Alexandria, VA 22301



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5. Describe request briefly:

Request approval for the construction of a second floor addition within the existing home's footprint and the construction of a roof over the existing front porch.

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:

Scott A Miller
Print Name

SA Miller
Signature

202-352 0294
Telephone

24 FEB 2010
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.

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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 pages where necessary.)

1. Explain how the special exception for the proposed addition, if granted, meets the applicant's needs.

If granted the special exception, it will allow me to provide an appropriate amount of living space for my growing family. My wife and I have two small girls and may have another child, we expect to raise them here in Alexandria.

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

No - I am keeping the work within the existing foot print. It will actually bring my home up to the standards of my neighbors.

3. Explain how the proposed addition will affect the light and air to any adjacent property.

With the orientation of the house there will be a slight increase of the shading on the two house adjacent. The house to the west (101) is already shaded slightly in the very early morning around sunrise and will increase the shading on 101's roof. It will have no impact on 101's front or back yard. The shading of the house on the east side⁽¹⁰²⁾ will be even less (offset more) and not have any impact on 105's yards.

BZA Case # _____

4. Explain how the proposed addition is compatible with other properties in the neighborhood and the character of the neighborhood as a whole.

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Construction will be in the "craftsman" style and making my home two stories. All but two houses on my street are two stories or taller and all the homes on the block opposite are two stories. All properties ~~are~~ adjacent on Oak street, save one, have a full front covered porch. (see photos). Porch described in detail in other application.

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

Nearly all homes are two stories or taller, have covered porches and are consistent with the craftsman or bungalow style.

6. Explain how this plan represents the only reasonable location on the lot to build the proposed addition.

Due to the lot size and house shape this is the only reasonable plan that meets my families needs. Extending out the back would virtually eliminate the yard, greatly increase the footprint and make the floorplan sprawling and inefficient.

7. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter.

Yes, All neighbors on oak street enthusiastically support the plan, feeling these renovations and additions are long overdue.

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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 103 E. Oak Street Zone R-2-5
 A2. 4000 x .45 = 1800
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement	539	Basement**	539
First Floor	900	Stairways**	84
Second Floor	303.48	Mechanical**	26
Third Floor		Porch/ Garage**	
Porches/ Other		Attic less than 5**	
Total Gross *	1742.48	Total Exclusions	649

B1. Existing Gross Floor Area *
1742.48 Sq. Ft.
 B2. Allowable Floor Exclusions**
649 Sq. Ft.
 B3. Existing Floor Area minus
Exclusions 1093.48 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		Stairways**	80
Second Floor	596.52	Mechanical**	170
Third Floor	900.00	Porch/ Garage**	225
Porches/ Other	225	Attic less than 5**	550
Total Gross *	1721.52	Total Exclusions	1025

C1. Proposed Gross Floor Area *
1721.52 Sq. Ft.
 C2. Allowable Floor Exclusions**
1025 Sq. Ft.
 C3. Proposed Floor Area minus
Exclusions 696.52 Sq. Ft.
(subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 1790 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 1800 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: SA G M Date: 1 APRIL 2010

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OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. <i>Scott Miller</i>	<i>103 E. Oak St.</i>	<i>100%</i>
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. <i>Scott Miller</i>	<i>103 E. Oak St.</i>	<i>100%</i>
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. <i>None</i>		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

24 FEB 2010 *Scott A Miller* *Scott A Miller*
 Date Printed Name Signature