

Docket Item #3
BZA CASE #2010-0028

Board of Zoning Appeals
February 10, 2011

ADDRESS: 5247 SEMINARY ROAD
ZONE: R-12, RESIDENTIAL
APPLICANT: ORLANDO PEREZ, OWNER

ISSUE: Special exception to construct a two-story addition in line with the existing house front building wall in the required front yard facing Seminary Road.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
Section 7-2503	Front Setback Seminary Road	43.40 ft.*	36.10 ft.	7.30 ft.

*Based on the average prevailing front setback along the Seminary Road block face.

BOARD OF ZONING APPEALS ACTION OF FEBRUARY 10, 2011: On a motion to approve by Mr. Lantzy, seconded by Ms. Lewis 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:

Jimmy Perez, owner's son, made the presentation.

Staff **recommends approval** of the request because the applicant request meets the criteria for a special exception.

If the Board decides to grant the requested special exception 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 #2010-0028 CONTEXT MAP



I. Issue

The applicant requests a special exception to build a two-story addition in line with the existing front wall of the single-family dwelling located at 5246 Seminary Road



II. Background

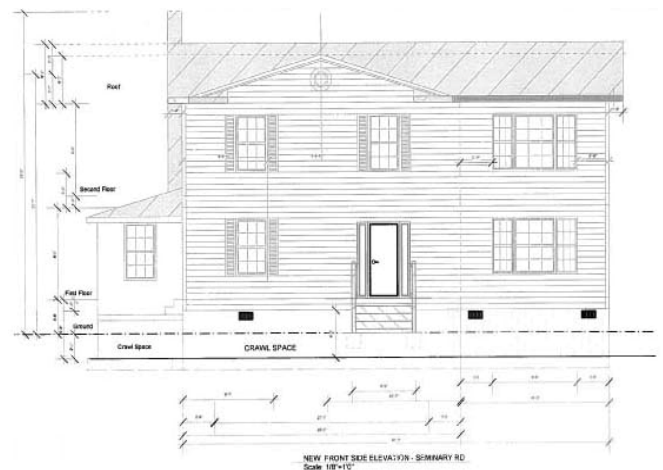
The subject property, a corner lot, is one lot of record with 192.85 feet of frontage on Fillmore Avenue, 47.41 feet of frontage on Seminary Road and a depth of 217.67 feet along the south property line. The property totals 15,656 square feet.

A one and one-half story single-family dwelling with a basement is located 36.10 feet from the front property lines facing Seminary Road, 20.60 feet facing Fillmore Avenue and 25.30 feet facing the east side yard property line. According to real estate assessment records, the house was constructed in 1937.

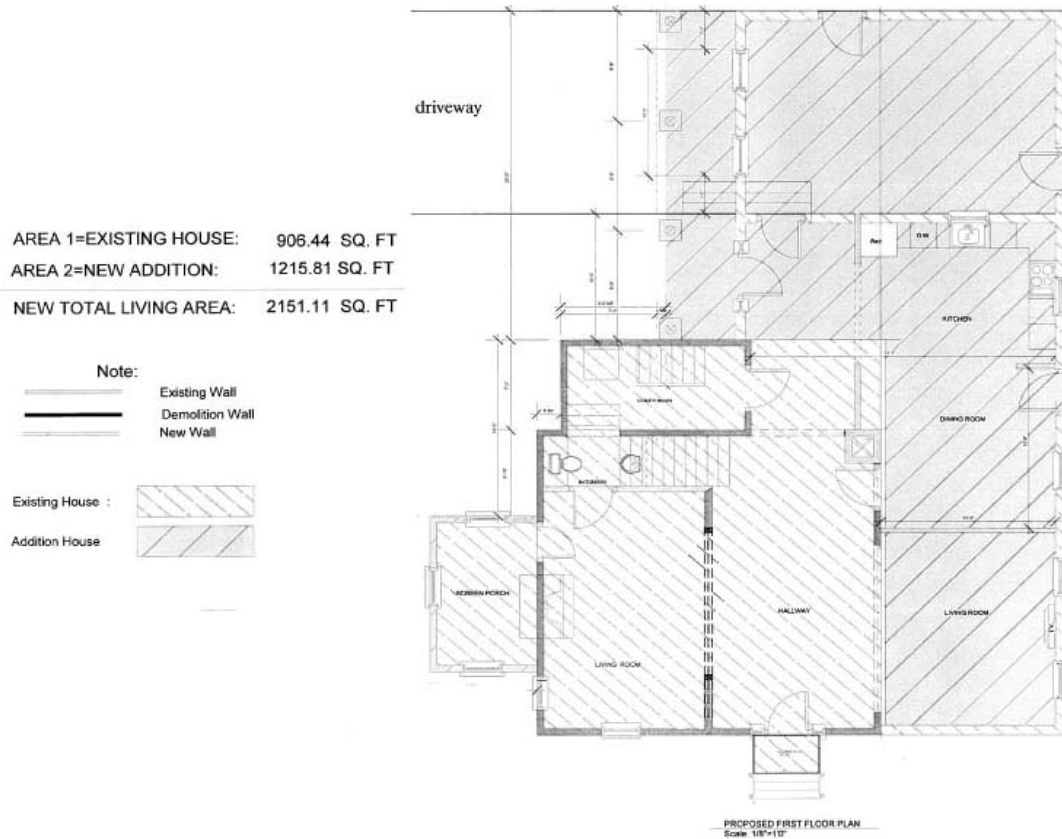
III. Description

The applicant is proposing to construct a two-story addition in line with the main front wall of the existing house facing Seminary Road and remove the existing half-story of the main house to create a two-story dwelling.

The existing house is located 36.10 feet from the property line facing Seminary Road. The existing front building wall facing Seminary Road is deemed a noncomplying front wall because it is located forward of the average prevailing front setback facing Seminary Road. If a new house were built facing Seminary Road it would have to be located 43.40 feet from the front property line facing Seminary Road. Because the applicant proposes to build a new addition in line with the front building wall the house facing Seminary Road the proposed improvement is eligible to apply for a special exception that alters one noncomplying wall.



The proposed addition facing Fillmore Avenue complies with the required average prevailing setback of 30.92 feet facing Fillmore Avenue. The height of the completed structure will be 22.58 feet and requires a side yard setback of 11.30 feet. The addition complies with the side yard requirement.



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

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

Master Plan/Zoning

The subject property is zoned R-12 and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Alexandria West Small Area Plan for Residential land use.

IV. Requested Special Exception

Section 7-2503 Front Yard:

A special exception is being sought to build in line with the existing dwelling's front building wall facing Seminary Road. The required front setback is 43.40 feet. The existing house is located 36.10 feet from the front property line facing Seminary Road. The applicant requests a special exception of 7.30 feet.

V. Noncomplying structure

The existing building at 5247 Seminary Road is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard (Seminary Road)	43.40 feet	36.10 feet	7.30 feet
Front Yard (Fillmore Ave)	30.92 feet	20.60 feet	10.32 feet

VI. 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.

VII. Staff Analysis

The applicant proposes to build an addition in line with the front building wall of a single-family dwelling that is now located forward of the required front setback facing Seminary Road. The existing front building wall is now noncomplying and therefore the project is eligible to apply for a special exception.

The proposed two-story addition will be in character and compatible with other two-story dwellings in the neighborhood nor will it appear to negatively impact the adjacent property to the immediate south. The subject property is more than 3,000 square feet larger in area than required by the R-12 zone (12,000 square feet versus 15,656 square feet provided). The proposed renovation to the existing house and two additions can be accommodated on the lot within the allowable floor area.

The applicant worked with staff to place the new addition in compliance with the required front setback facing Fillmore Avenue thereby not triggering a variance application to the Board.

Based upon the above findings, staff **recommends approval** of the requested special exception.



DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R-1 The building permit plans shall comply with requirements of City Code Section 5-6-224 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)
- R-7 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R-8 Construction of a new driveway entrance, or widening of an existing driveway entrance, requires separate application to; and approval from, the Department of Transportation and Environmental Services. (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 5-6-224 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

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- 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>

- 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). (T&ES)
- 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. (T&ES)
- 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 stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25) (T&ES)
- C-6 Any work within the right-of-way, to include public alleys, requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

- F-1 No comments relative to variance request
- C-1 A building permit is required for the proposed work. Submit five sets of drawings with the permit application.
- C-2 Separate permits are required for plumbing, electric, and mechanical work
- C-3 The proposed construction shall conform to the requirements of the Virginia Uniform Statewide Building Code.

Recreation (Arborist):

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

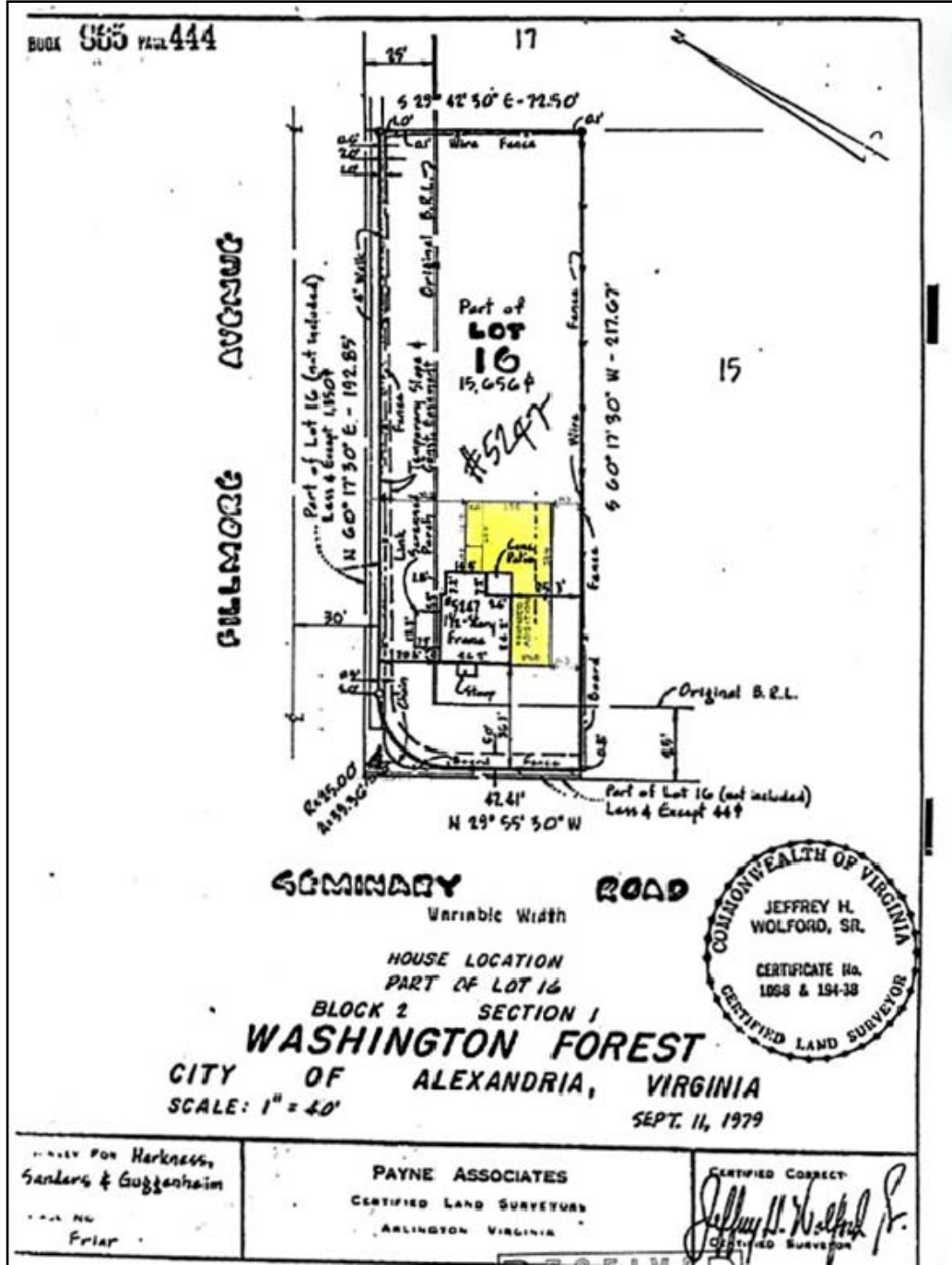
Historic Alexandria (Archaeology):

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.

VIII. Images





FRONT SIDE-SEMINARY ROAD



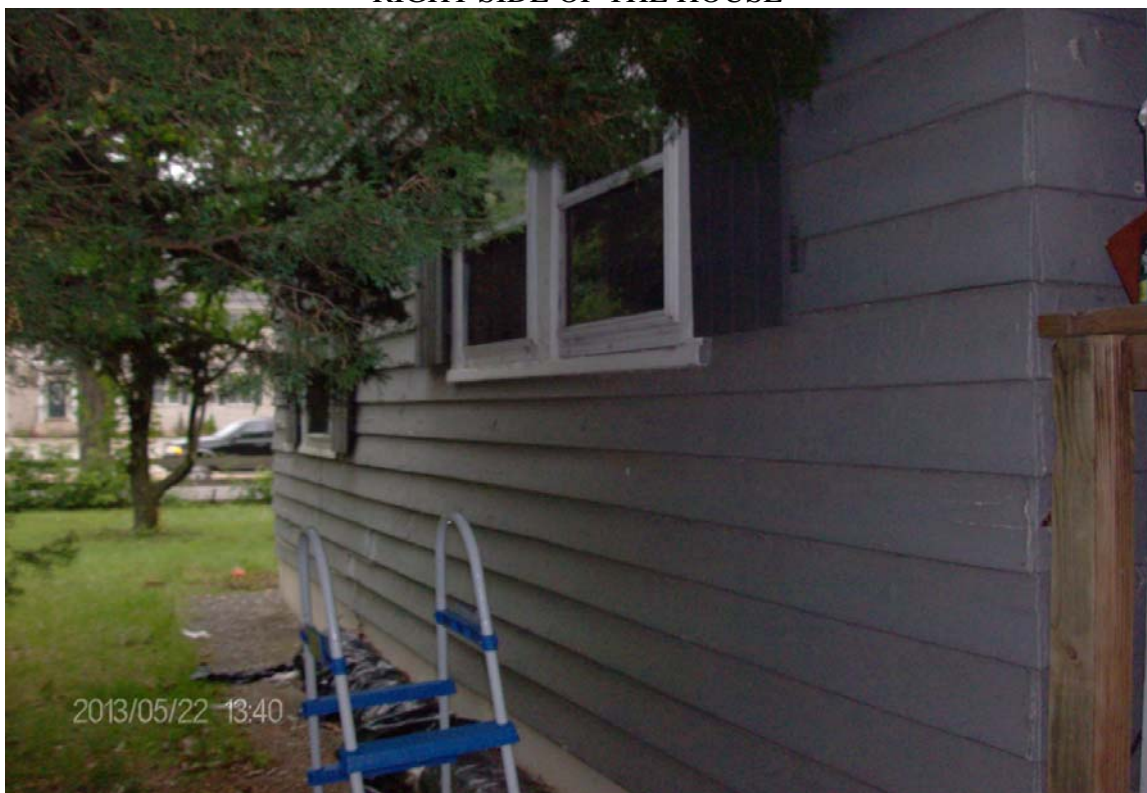


- BACK SIDE OF THE HOUSE





RIGHT SIDE OF THE HOUSE





LEFT SIDE OF THE HOUSE (FILLMORE ST)



ADDRESS: 5247 SEMINARY RD
ALEXANDRIA, VA 22311

OWNER: ORLANDO PEREZ

PROJECT TITLE
ATTACHED TO EXISTING HOUSE
5247 SEMINARY ROAD
ALEXANDRIA VA 22311

OWNER: ORLANDO PEREZ

NO. Submittals
Date

NO.	Submittals	Date	Comments
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

ADDITION - TWO STORY W/CRAWL SPACE ATTACHED TO EXISTING HOUSE

NOTES - STRUCTURAL

1. BEARING LOADS
 - a. Second Floor: 30 psf
 - b. Third Floor: 10 psf
 - c. Deck: 10 psf
 - d. Roof: 10 psf
2. DESIGN DEAD LOADS
 - a. Roof: 10 psf
 - b. Deck: 10 psf
 - c. Floor Assembly: 10 psf
 - d. Stud Wall Assembly: 10 psf
3. LATERAL LOADS
 - a. Wind: ASCE 7-10
 - b. Earthquake: 10 psf
4. FINISHES: Minimum of 40 psf and maximum of 10 psf. Finishes are to be applied uniformly over the entire surface. Finishes are to be applied uniformly over the entire surface. Finishes are to be applied uniformly over the entire surface.
5. CONCRETE: All concrete construction shall conform to ACI 308 and ACI 309. Concrete shall be cast in place or precast. All concrete shall be cast in place or precast. All concrete shall be cast in place or precast.
6. LINTELS: Provide on level 1.5 x 4.10 x 5.15 with 6" minimum blocking for each 4" of wall thickness for masonry. Provide on level 1.5 x 4.10 x 5.15 with 6" minimum blocking for each 4" of wall thickness for masonry.
7. BOLTS ON BEAMS: Except where noted otherwise, all bolts shall be A307 or equivalent. Bolts shall be A307 or equivalent. Bolts shall be A307 or equivalent.
8. BRICKELL: Reinforcement shall be as shown on drawings. Reinforcement shall be as shown on drawings. Reinforcement shall be as shown on drawings.
9. REINFORCING STEEL: Reinforcing steel shall be as shown on drawings. Reinforcing steel shall be as shown on drawings. Reinforcing steel shall be as shown on drawings.
10. WELDS: All welds shall be as shown on drawings. All welds shall be as shown on drawings. All welds shall be as shown on drawings.

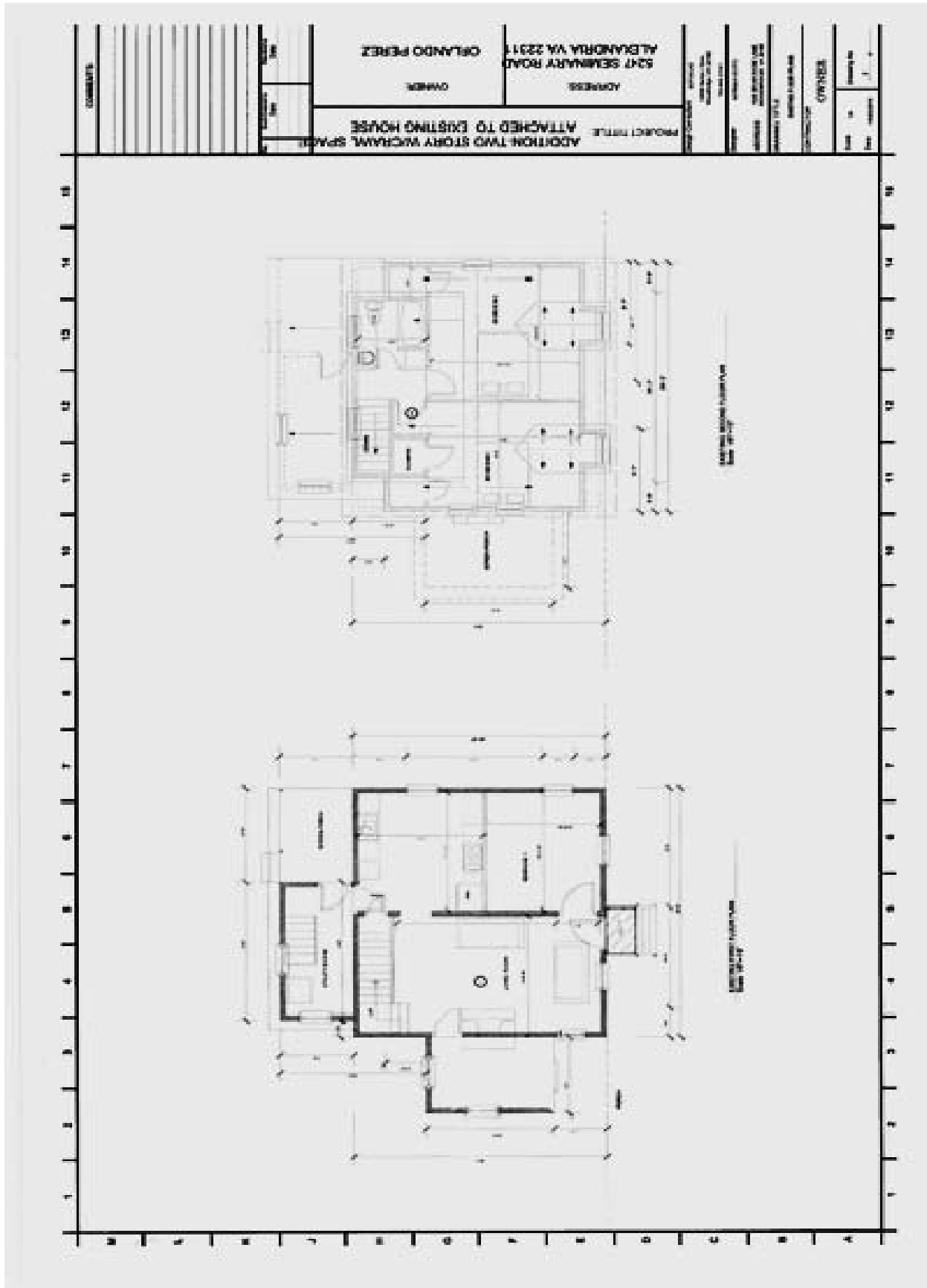
11. STRUCTURAL STEEL: Structural steel shall conform to the AISC Specification for Building and unless otherwise noted, it shall conform to ASTM A572. Structural steel shall conform to ASTM A572 with minimum yield of 36 ksi. Structural tubing shall conform to ASTM A500 with minimum yield of 45 ksi. Unless otherwise noted, all shop connections are to be welded and all field connections are to be bolted. All bolts shall be A307 or equivalent. All bolts shall be A307 or equivalent. All bolts shall be A307 or equivalent. All bolts shall be A307 or equivalent. All bolts shall be A307 or equivalent.

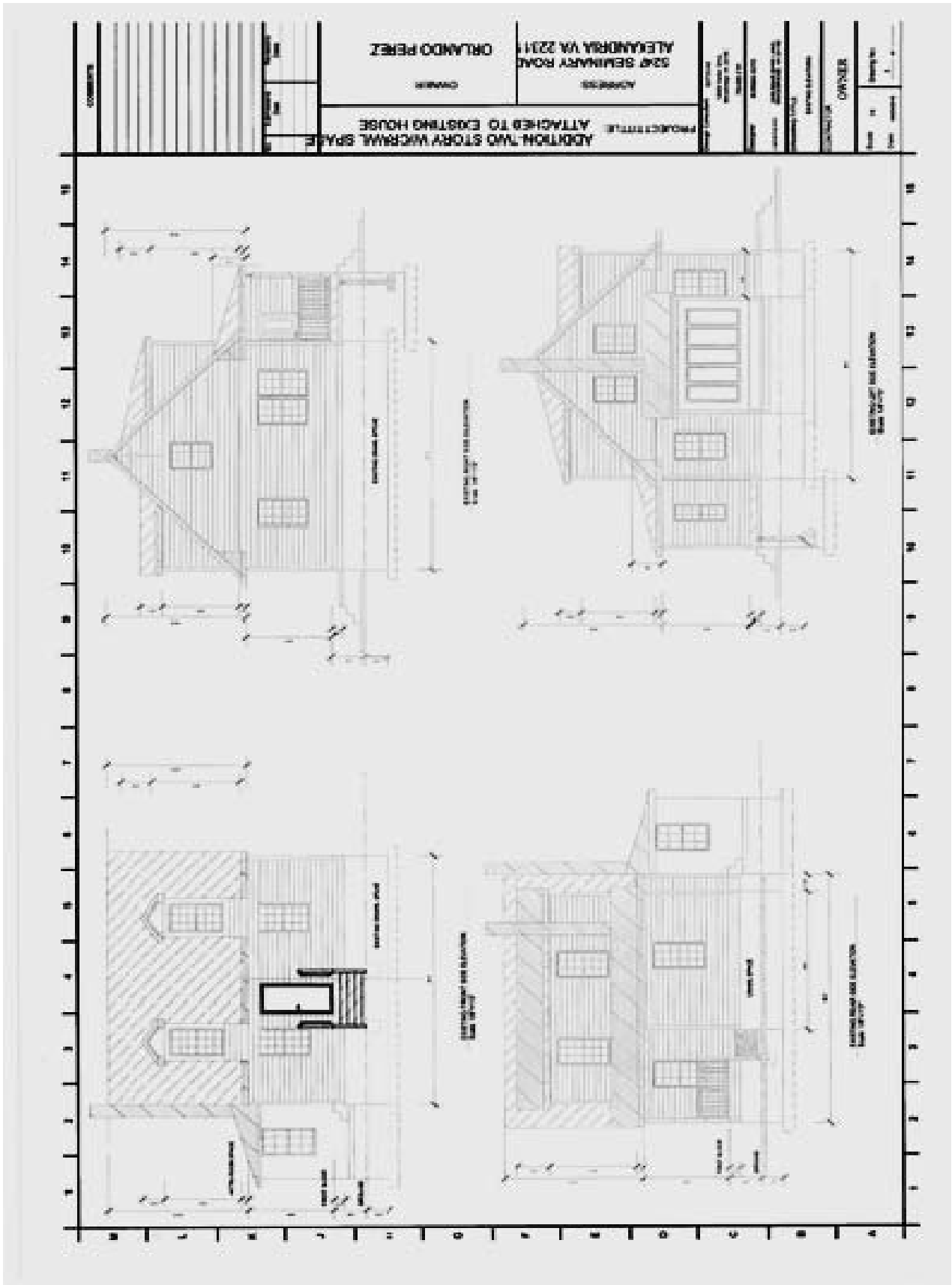
12. LUMBER: All framing members (except studs) shall have the following minimum properties:
 a. 2" x 4" (single use): E=11.9 x 10⁶ psi (typical use)
 b. 2" x 8" (single use): E=11.9 x 10⁶ psi (typical use)
 c. 2" x 10" (single use): E=11.9 x 10⁶ psi (typical use)

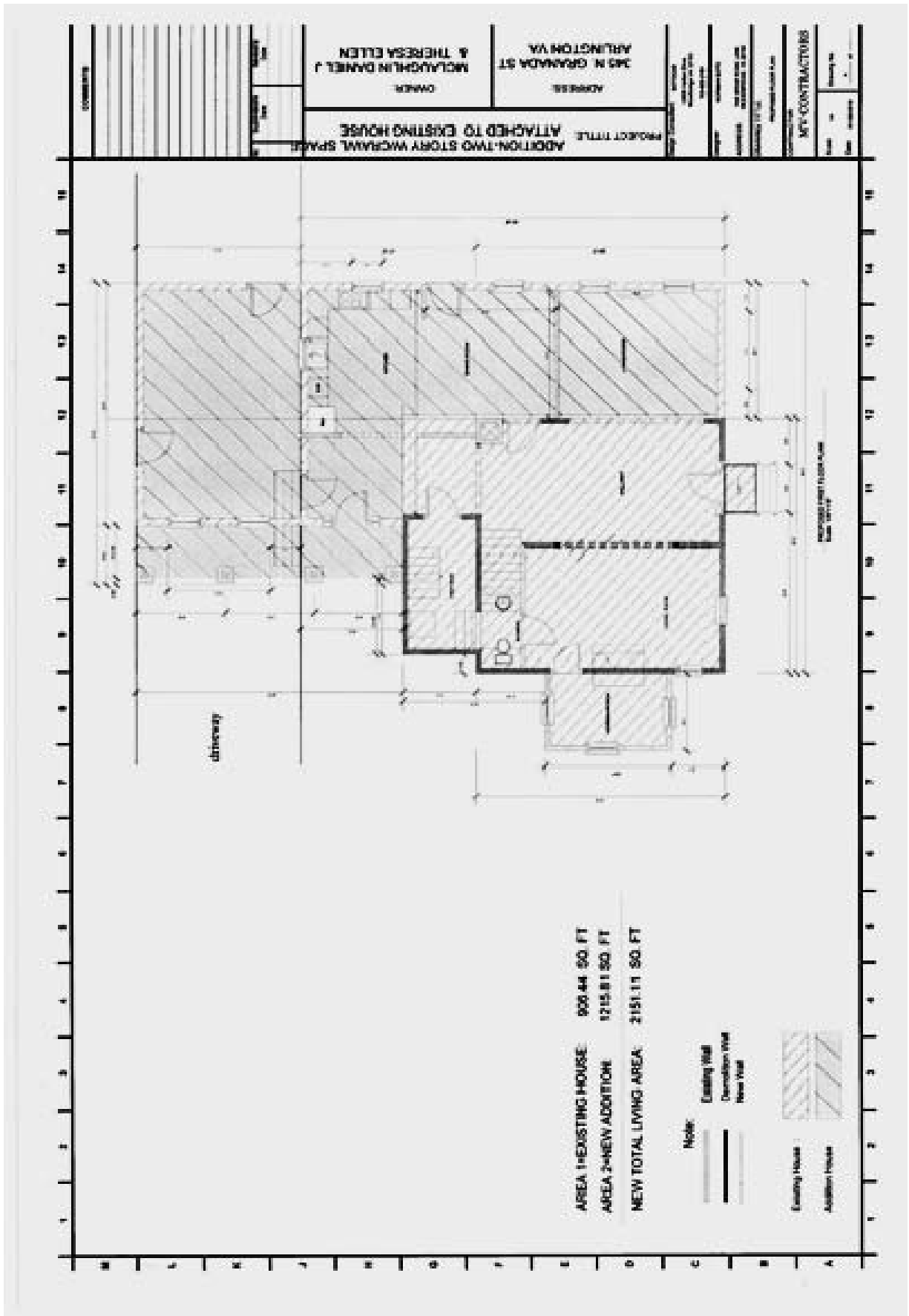
13. PREFABRICATED WOOD TRUSSES: Trusses shall be designed in accordance with the design specification for steel plate connected wood trusses published by the Panel Association of Wood Engineers (PAWE). Trusses shall be designed in accordance with the design specification for steel plate connected wood trusses published by the Panel Association of Wood Engineers (PAWE). Trusses shall be designed in accordance with the design specification for steel plate connected wood trusses published by the Panel Association of Wood Engineers (PAWE).

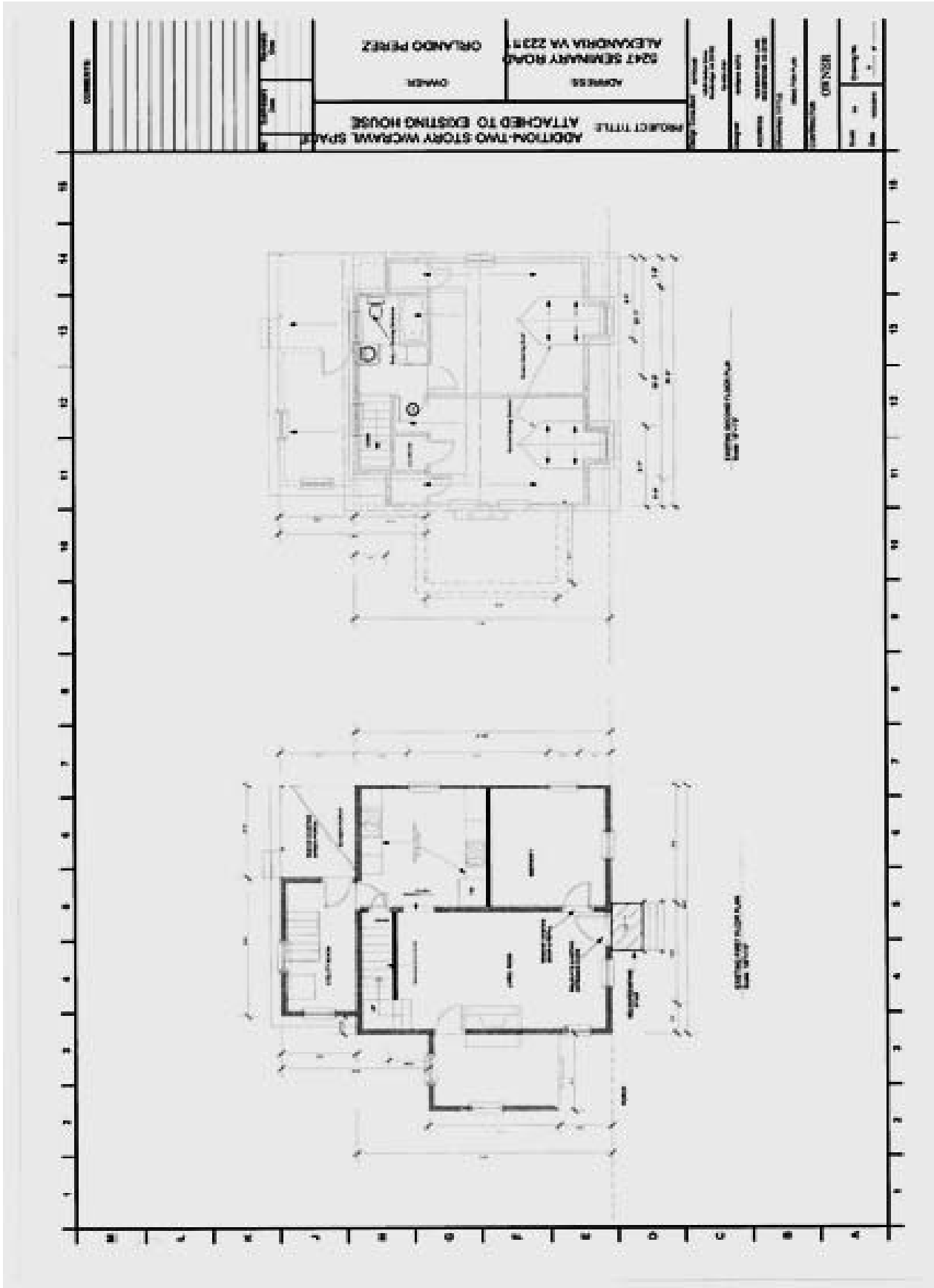
14. WOOD BRACING: Exterior sheathing of wood framed construction to be 1/2" OSB over the entire structure or the same placed strategically at every 24" minimum of wall length, 48" minimum, and at both ends of each outside corner to 48" minimum in return from corner. Fasteners are 1 1/8" to 1 1/4" minimum in diameter, spaced at 6" c/c along the edge and 12" c/c at intermediate.

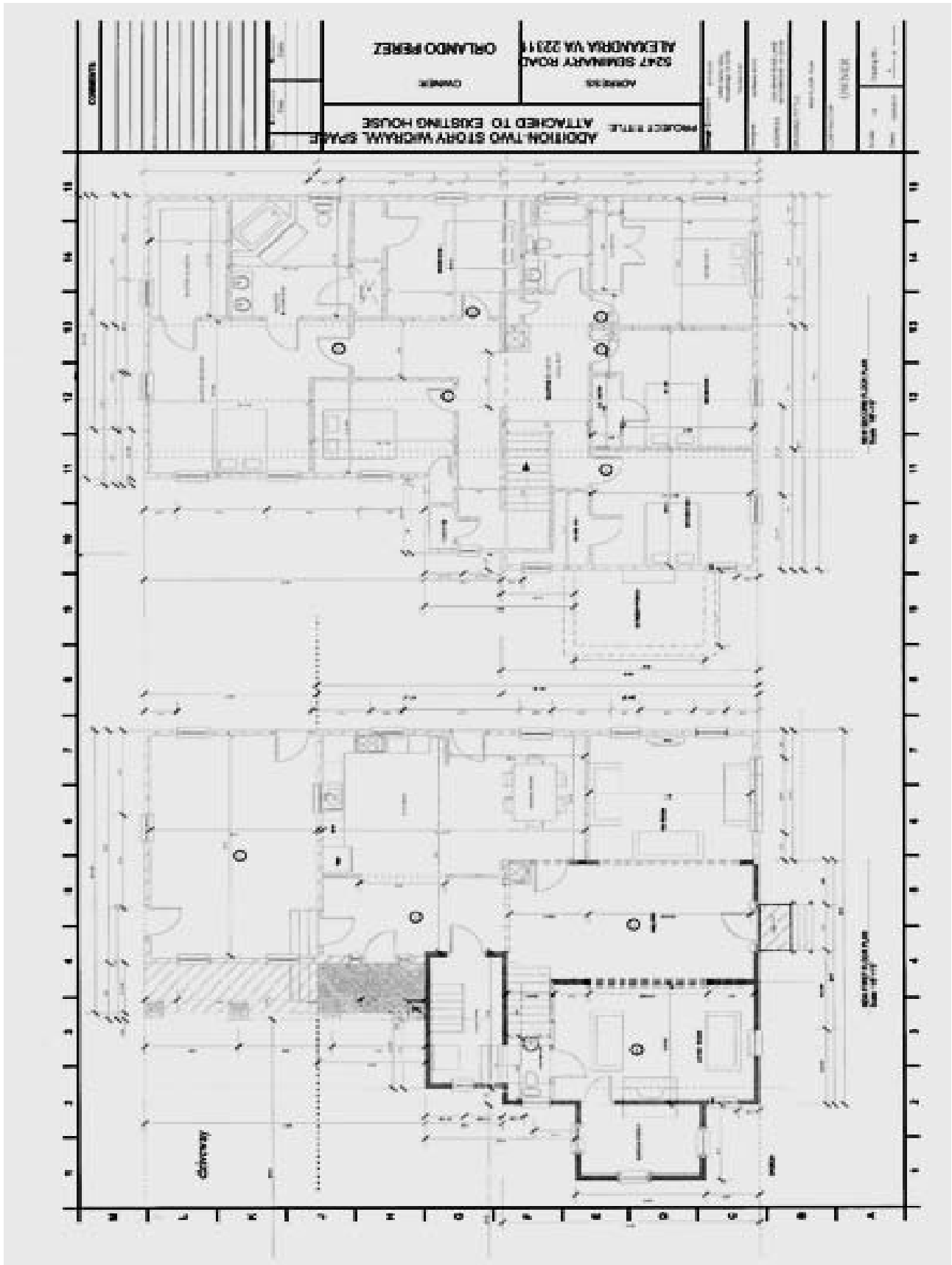
Change/Consultant: 5247 SEMINARY ROAD ALEXANDRIA VA 22311	5247 SEMINARY ROAD ALEXANDRIA VA 22311
Drafter: KOSAMANI SOTO	5247 SEMINARY ROAD ALEXANDRIA VA 22311
ADDRESS: 100 SHAW BLVD AVE ALEXANDRIA, VA 22311	5247 SEMINARY ROAD ALEXANDRIA VA 22311
DRAWING TITLE: GENERAL NOTES	5247 SEMINARY ROAD ALEXANDRIA VA 22311
OWNER	
Sheet No. _____ of _____	Drawing No. _____ of _____

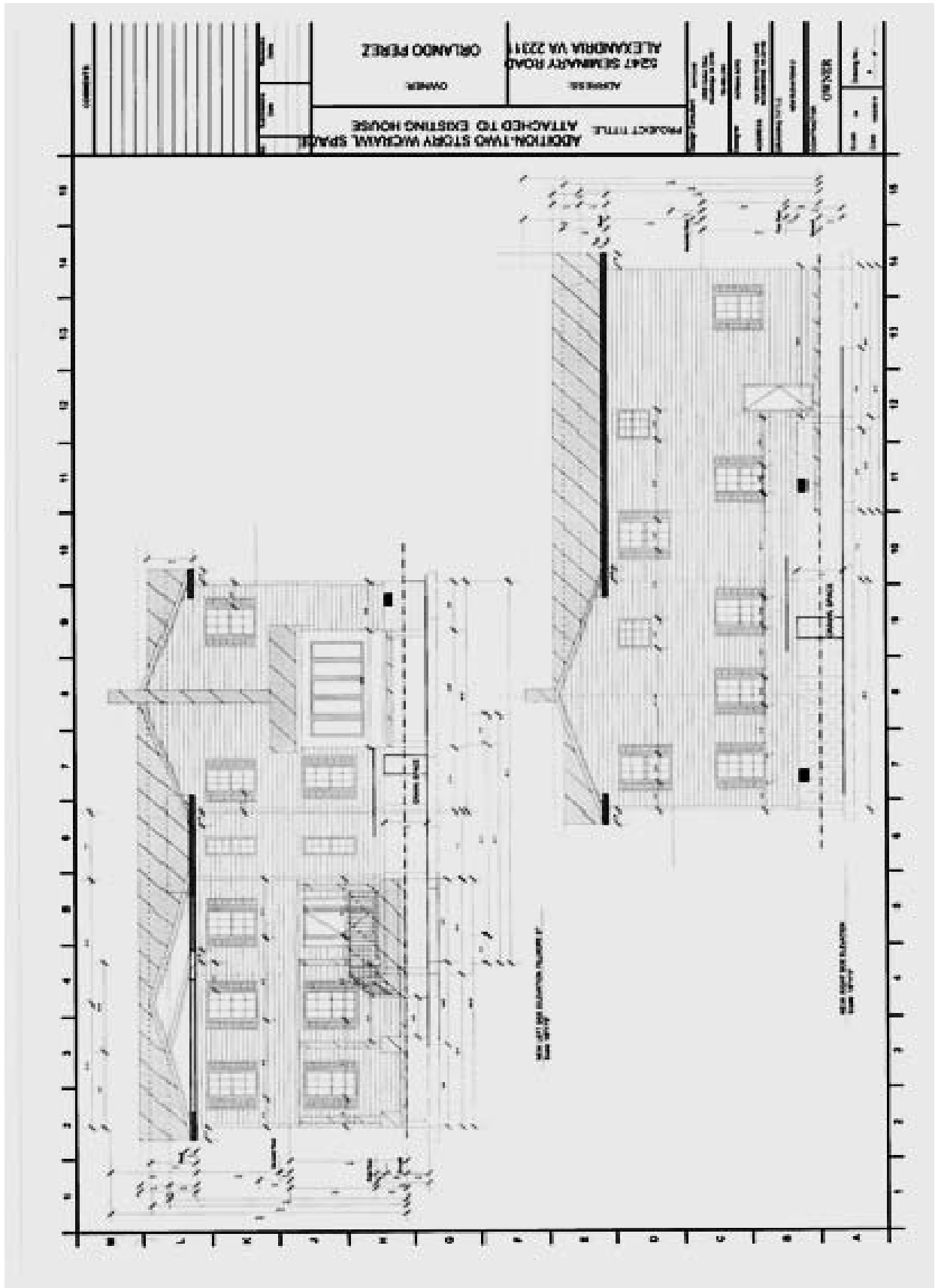












BZA Case # 2010-0028



**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE



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

PART A

1. Applicant: Owner Contract Purchaser Agent

Name Orlando Perez

Address 5247 Seminary Road
Alexandria VA 22311-1238

Daytime Phone 703-998-9291

Email Address sejasorlando@gmail.com

2. Property Location 5247 Seminary Road, Alexandria VA 22311

3. Assessment Map # _____ Block _____ Lot _____ Zone _____

4. Legal Property Owner Name Orlando Perez

Address 5247 Seminary Road, Alexandria VA 22311

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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.	None		
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.	Orlando Paraz	5247 Seminary Rd	100%
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.

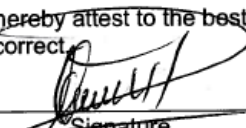
	Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	None		
2.			
3.			

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.

11/10/10
Date

Orlando Paraz
Printed Name

x 
Signature

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Alexandria City Council

William Euille, Mayor
Kerry Donely, Vice Mayor
Frank Fannon IV
Alicia Hughes
Rob Krupicka
Redella "Del" Pepper
Paul Smedberg

Planning Commission

John Komoroske, Chair
H. Stewart Dunn, Vice Chair
Donna Fossum
J. Lawrence Robinson
Mary Lyman
Jesse Jennings
Eric Wagner

Board of Zoning Appeals

Harold Curry, Chair
Mark Allen, Vice Chair
Geoffrey Goodale
David Lantzy
Jennifer Lewis
Eric Zander
John Keegan

**Board of Architectural Review
Old and Historic District**

Thomas Hulfish, Chair
Oscar Fitzgerald, Vice Chair
Arthur Keleher
Wayne Neale
Peter Smeallie
James Spencer
John Von Senden

Board of Architectural Review

Parker-Gray District

William Conkey, Chair
Deborah Rankin, Vice Chair
Christina Kelley
H. Richard Lloyd, III
Robert Duffy
Douglas Meick
Philip Moffat

Updated 5/1/2010

Definition of business and financial relationship.

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

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5. Describe request briefly:
We intent to construct an addition of Two story
with crawl space attached to existing house
The new setback requirements require 43.3' at
the front yard on Seminary Road and 36.1' on Fillmore Ave.
but our proposed project is 36.1 on seminary Road
and 30.2' on Fillmore Avenue.
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:

Orlando Paroz
 Print Name

703-998-9291
 Telephone


 Signature

11/10/10
 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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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 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 pages where necessary.)

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

A. Explain how enforcement of the zoning ordinance will amount to confiscation of the property.

B. Explain how enforcement of the zoning ordinance will prevent reasonable use of the property.

Attached

2. Is this hardship unique to the property?

A. Explain if the hardship shared by other properties in the neighborhood.

Attached

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B. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.

Attached

3. Was the hardship caused by the applicant?

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

Attached

B. Did the applicant purchase the property without knowing of this hardship?

Attached

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

Attached

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

Attached

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

A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.

Attached

B. Explain how the proposed variance will affect the value of the adjacent and nearby properties.

Attached

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

Attached

D. Explain how the proposed variance will change the character of the neighborhood.

Attached

REVISED



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 5247 Saminary Road Zone R-12
 A2. 15656 x .30 = 4696.8
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement	739.16	Basement**	739.16
First Floor	839.60	Stairways**	36.00
Second Floor	634.04	Mechanical**	14.00
Third Floor		2nd Floor**	634.04
Porches/ Other		Rear Porch	65.52
Total Gross *	2212.8	Total Exclusions	1488.72

B1. Existing Gross Floor Area *
2212.8 Sq. Ft.
 B2. Allowable Floor Exclusions**
1488.72 Sq. Ft.
 B3. Existing Floor Area minus
 Exclusions 724.08 Sq. Ft.
 (subtract B2 from B1)

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

Proposed Gross Area *		Allowable Exclusions	
Basement	689.6	Basement**	689.6
First Floor	1133.48	Stairways**	48.0
Second Floor	2050.67	Mechanical**	
Third Floor		Porch/ Garage**	156.00
Porches/ Other	156.00	Attic less than 5**	
Total Gross *	4029.75	Total Exclusions	893.6

C1. Proposed Gross Floor Area *
4029.75 Sq. Ft.
 C2. Allowable Floor Exclusions**
893.6 Sq. Ft.
 C3. Proposed Floor Area minus
 Exclusions 3136.15 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 3860.23 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 4696.80 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: ORLANDO PEREZ Date: 12/6/10

PART B (SECTION 11-1102)

1. B Our intention is to construct a bigger and comfortable house of such manner have individual space for each one; one bedroom for me and my wife, 4 bedrooms for my children and one bedroom for my Mom.

The existing house has 906 square feet; three bedrooms, one living room, one bathroom and one kitchen. Basically we live in a small house and we like to improve our living conditions making an addition attached to existing house.

The new setbacks requirements applying to this property make that we have a narrow space available to construct any addition but it does not work with our project. Therefore we request that you consider and permit us to construct a spacious house with a good view to both front yards (Seminary Road and Fillmore Avenue).

2. A No. The property is unique in the neighborhood of such manner we request the approval of this variance. We understand that you intend to provide a better restructuration but the new regulation affect just to us and we feel like unlucky property owners.

2. B It does not apply generally to other properties in the zone. The property condition with its shape and topographical are different from the others properties in the zone.

3. A No it did not. Purchase of the property was made prior to the current "AVERAGE OF BLOCK FACADES or AVERAGE PREVAILING". The property was acquired in good faith and any hardship produced by the Ordinance was not created by the Owner.

The existing front yards are: 36.1 feet to Seminary Road and 20.6 to Fillmore Avenue without consider the screened porch that is 12.5 feet. But now the NEW REQUIREMENT SETBACK "AVERAGE OF BLOCK FACADES or AVERAGE PREVAILING" is 43.3 feet to Seminary Road and 36.1 feet to Fillmore ST.

3. B Yes they assumed the whole property was in conformance with zoning and did not expect that the new regulations would affect the conditions of the property. Where the new regulations require two changes under the Infill Regulations that were adopted in 2008 has to deal with the *average prevailing for front yard setback and height*.

3. C The Hardship was created recently by Zoning Ordinance in June 2008 where the new requirement setback is "AVERAGE OF BLOCK FACADES or AVERAGE PREVAILING". Before it was different at moment when we bought the property in 2000 and was noncompliant property.

Before the new regulation that created the hardship it was different with the front setback under the R-12 zone that was 35 feet but, under the new Infill we will be required to move the house back 7.53 feet which constitute a variance. Beside we consider that is not fair and applicable count the property that is located at 5205 Seminary Road for AVEARGE PREVALING because its front setback is 56.50 feet and this data is a total disadvantage. The average prevailing is 43.40 feet to Seminary Road

3. D No the applicant did not. The hardship was created by Zoning Ordinance.

4. A The proposed variance won't be detrimental to the adjacent properties or the neighborhood in general. Because the proposed project has as objective maintain the same setback at front yard "Seminary Road" that means align the proposed addition with the existing front side wall and construct the new addition at second front yard Fillmore Avenue to 30.2 feet.

4. B The proposed variance won't affect adversely the nearby properties.

4. C We spoke and show the drawings of the proposed project to the most neighbors of our neighborhood.

4. D The proposed variance will affect the character of the neighborhood just increasing the value of the properties and enhancing the view.

5. We don't think so. Because the new setback requirement makes the property so narrow considering that the location is in a corner and the house building is near to the front yard of Seminary Road.

PART C

1. The alternatives would go back 7.53 feet at the front yard of Seminary Road that means that I would have a narrow space available to construct the new addition for the house and the view would be detrimental for the neighborhood. We can have another alternative but this is out of our reach because would be an expensive and inappropriate project that consists in relocate the house to the middle point of the property. Such manner we can have enough space for the setbacks at the front yard of Seminary Road and Fillmore Avenue but this could have a negative view in the neighborhood, specifically on Seminary Road where the new restructuration or new Front Yard would increase significantly comparing to the other front yards of the other properties.