

Docket Item #1  
BZA CASE #2011-0010

Board of Zoning Appeals  
July 14, 2011

**ADDRESS:** 101 WEST LINDEN STREET  
**ZONE:** R5, RESIDENTIAL  
**APPLICANT:** THOMAS NEWELL AND SUSAN SMITH, OWNERS, BY  
STEPHANIE DIMOND, DIMOND-ADAMS DESIGN  
ARCHITECTURE

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

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard	7.00 feet	4.50 feet	2.50 feet

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**BOARD OF ZONING APPEALS ACTION OF JULY 14, 2011:** On a motion to approve by Mr. Koenig, seconded by Mr. Lantzy the special exception was approved by a vote of 7 to 0.

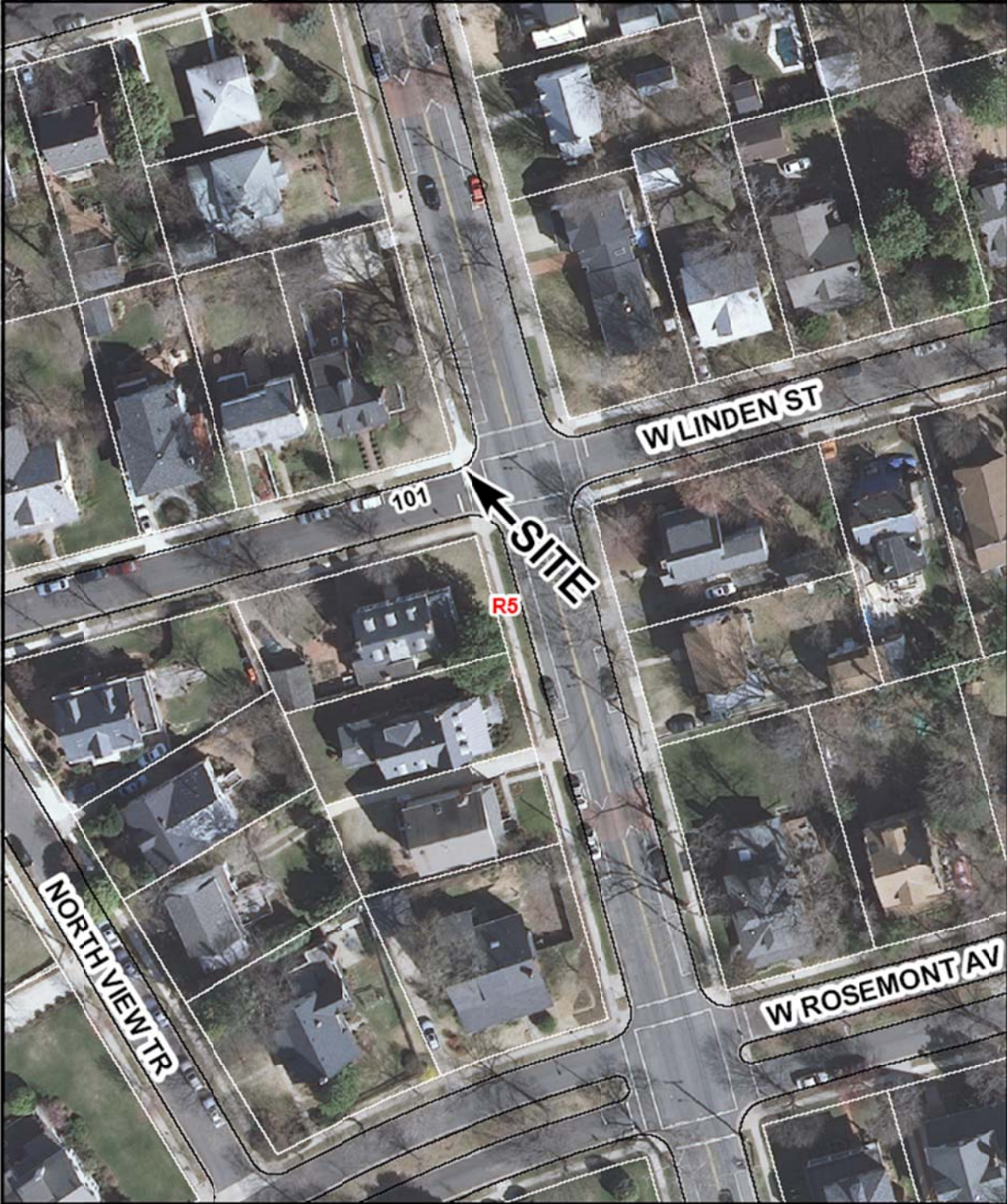
Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Stephanie Dimond, 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

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 #2011-0010 CONTEXT MAP**



**I. Issue**

The applicants request a special exception to build a one-story addition at the rear of a single-family detached dwelling located at 101 West Linden Street.

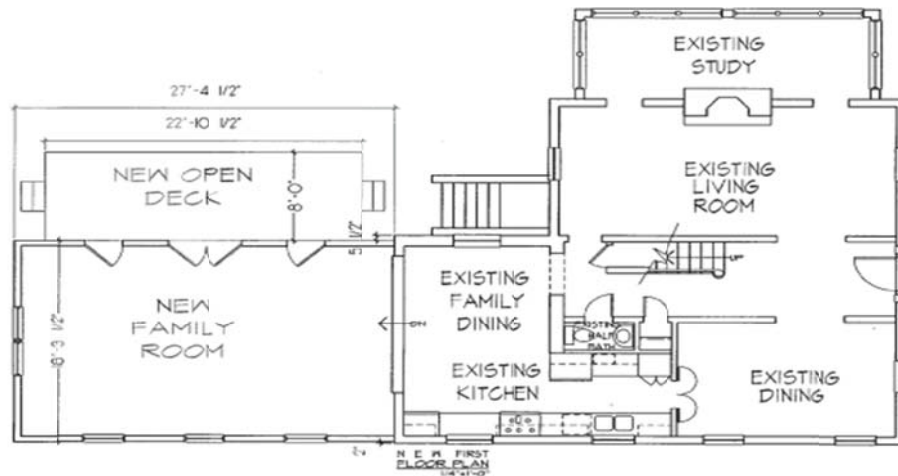


**II. Background**

The subject property, a corner lot is one lot of record with 60.00 feet of frontage on W. Linden Street and 120.00 feet of frontage facing Russell Road. The property totals 7,200 square feet. A three story single-family dwelling with a basement is located 27.00 feet from the front property line facing W. Linden Street, 4.40 feet from the west side property line and 16.50 feet from the front property line facing Russell Road. According the assessment records, the house was constructed in 1930 and is a contributing resource in within the Rosemont National Register Historic District.

**III. Description**

The applicants are proposing to construct a one-story rear addition in line with the existing dwelling and where, currently, an existing deck is located 4.40 feet from the west property line. The proposed addition measures 27.38 feet by 18.29 and totals 500.78 feet. The addition will measure 13.00 feet from the ground to the top of the flat roof. A new open deck will be built on the east side of the addition facing Russell Road.



The applicants must request a special exception of 2.60 feet facing the west side property line because a single family home in the R-5 zoning requires a side yard of a minimum of 7.00 feet. The current dwelling is a non-complying structure because it sits 4.40 feet from the west side yard property line.

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. Master Plan/Zoning**

The subject property is zoned R-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge/Rosemont Small Area Plan for residential use.

**V. Requested Special Exception:**

3-406(A)(2) Side Yard (West)

The applicants request a special exception of 2.50 feet based on an existing building located 4.50 feet from the required west side property line as compared to the minimum 7.00 side yard for a single family dwelling.

**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 Conclusion**

The 2-1/2 story, Colonial Revival frame house at 101 West Linden Street is within the boundaries of the Rosemont National Register Historic District. It is listed as a contributing resource to the district.

In staff's opinion, the proposed addition is appropriate and compatible with the main historic house in terms of mass, scale, height, and architectural expression, and does not negatively impact its contributing status to the Town of Potomac National Register Historic District. The rear addition mimics the existing form of the existing one-story side porch. The drawings show the utilization of modern materials, such as PVC railings, cementitious siding, and clad-wood windows, which will provide differentiation between the addition and the original house.

The modest one-story addition at the rear of the property will be in line with the existing west side wall of the dwelling which is now located approximately 4.40 feet from the west side property line. The applicants will comply with all other yard requirements, but wish to continue the plane of the noncomplying west wall.

The proposed addition is in keeping with the character of the neighborhood as there is an adjacent corner lot that has an extended addition to the main dwelling. There may be some limited light and air impact reduction of the new one-story addition with respect to the property on the west side of the subject property; however, such impact appears to be minimal.

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 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
  - 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 requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

- F-1 The following comments are for preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Thomas Sciulli, Plan Review Supervisor at 703-746-4190 or [thomas.sciulli@alexandriava.gov](mailto:thomas.sciulli@alexandriava.gov).
- C-1 Building permits will be required to be issued prior to the start of any construction work at the site.

C-2 Five complete sets of sealed plans will be required to be submitted for review with the building permit application

Recreation (Arborist):

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

Historic Alexandria (Archaeology):

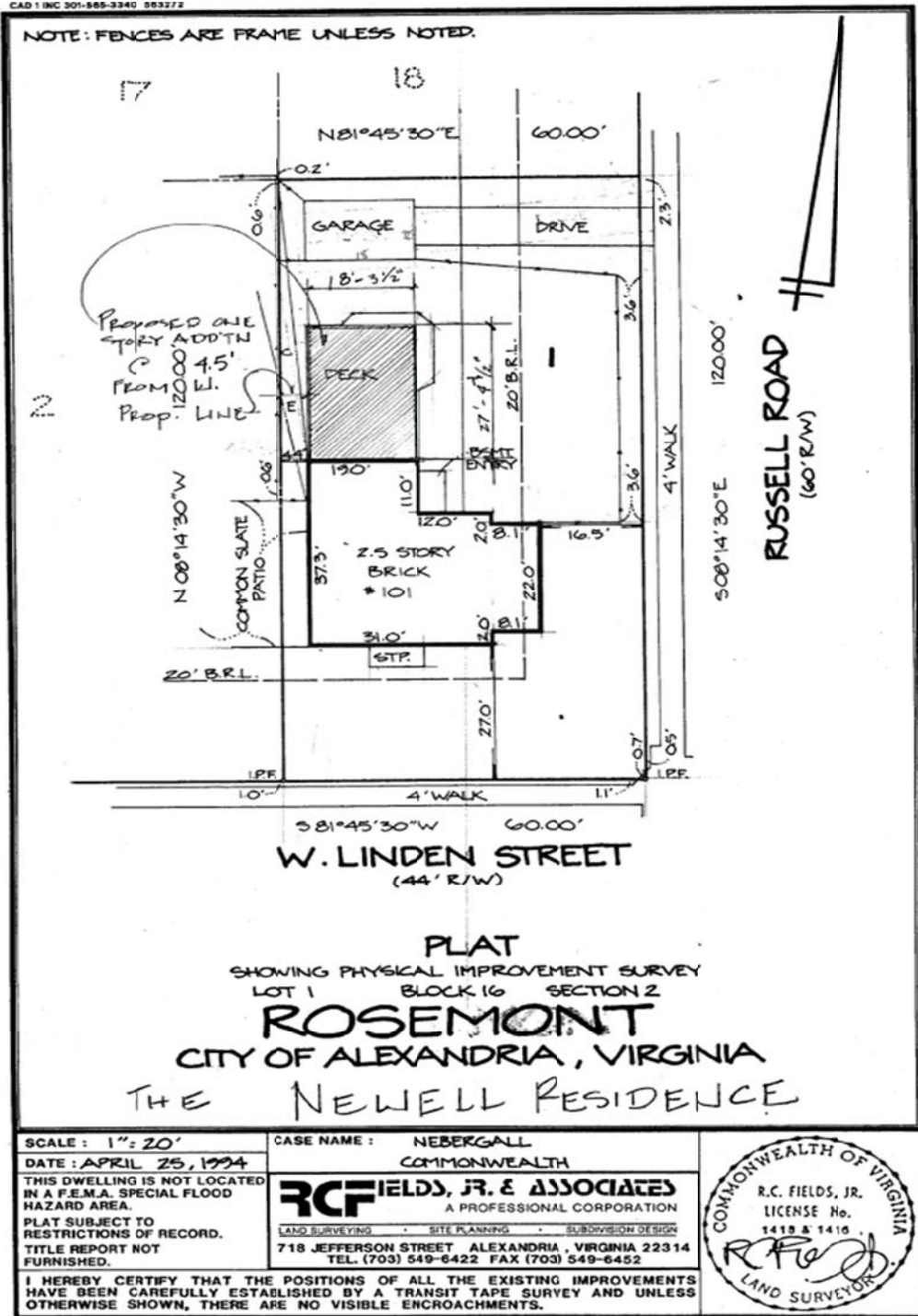
F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

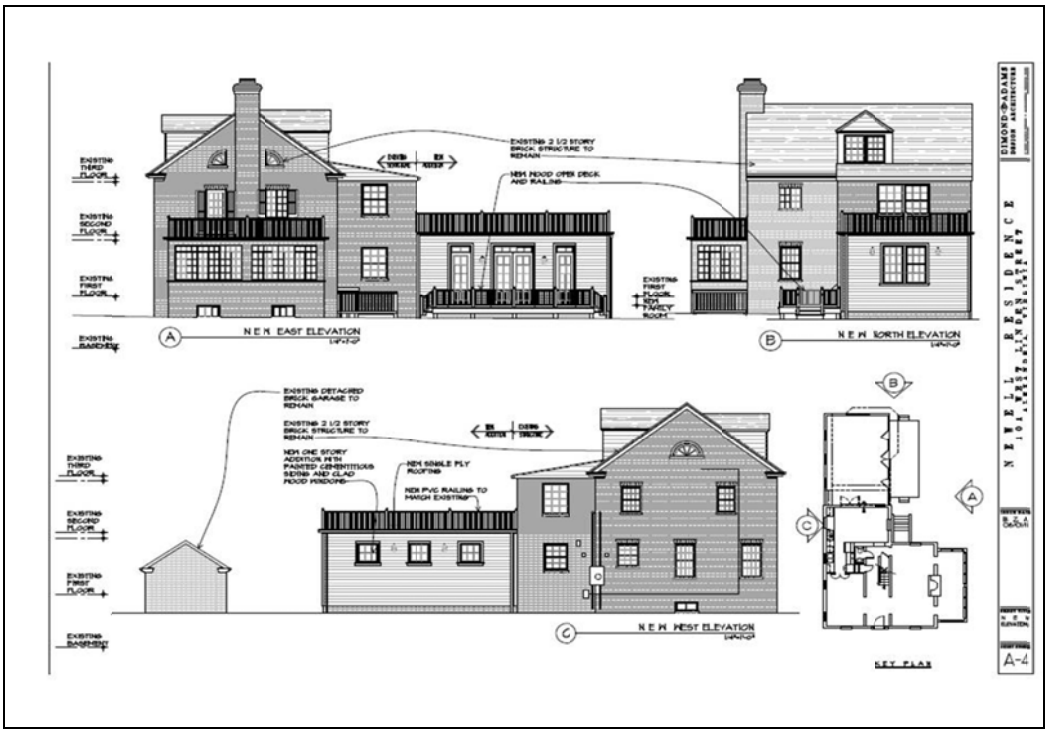
C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.



Images







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:

Section 3-406 A (2) side yard. Minimum side yard requirement of 7'-0".

**PART A**

1. Applicant:  Owner  Contract Purchaser  Agent

Name Thomas Newell and Susan Smith

Address 101 West Linden Street, Alexandria, VA 22301

Daytime Phone 703-836-8437

Email Address dimondadams@comcast.net

2. Property Location 101 West Linden Street, Alexandria, VA 22301

3. Assessment Map # 063.01 Block 04 Lot 08 Zone R5

4. Legal Property Owner Name Newell Thomas E or Susan Smith, Smith Van P and Smith Margaret A

Address 101 West Linden Street, Alexandria, VA 22301



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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. N/A

	Name	Address	Percent of Ownership
1.	N/A		
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 101 W. LINDEN ST (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.	Thomas E. Newell Susan S. Newell	101 W LINDEN ST	25% 25%
2.	VAN P Smith	4501 N. Wheeling Ave Muncie, Ind. 47304	25%
3.	MARGARET A. Smith	"	25%

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.

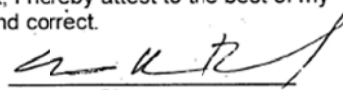
	Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	N/A		
2.			
3.			

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.

6.1.11  
Date

STEPHANNE DIMOND  
Printed Name

  
Signature

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5. Describe request briefly:

Applicant is requesting to build a one story addition in plane with the existing house but within the required 7'-0" side yard. The existing house is 4.4' from the West property line. The addition would be 4.4' from the West property line and would replace an existing deck.

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor, other person for which the 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 of business license

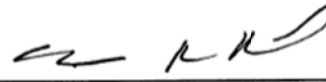
No – said agent shall be requires to obtain a business license prior to filling application.

**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:

STEPHANIE R. DIMOND

Print Name



Signature

703 834 8437

Telephone

6.1.11

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 11-1304)**

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

The applicant's large family is in need of a gathering room on the first floor. Currently, the existing outdoor deck serves this purpose but cannot be used in cold or bad weather.

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

The special exception will not harm the adjoining neighbor. The required set back toward to neighbor to the North will be maintained. The existing house distance is 4.4' from the property line to the West. The proposed addition would be 4.5' to the West property line, and 13'-2" tall. While non-complying, because it is less than 7'-0" from the property line, the height is less than three times the distance to the West property line, the ratio required by the R-5 zoning.

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

There will be no change in light and air to any neighbor. As the addition is not on the South face and the prevailing weather comes from the West and South and the proposed addition is only one story, the neighbor to the West will not be affected. The neighbor to the North will not be affected as there is an existing garage already in place that is between the proposed addition and the property line. The proposed addition would be approximately the same height as the existing garage.

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

Many houses within the neighborhood have large one and two story additions. They typically align with the existing main block of the house.

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

The proposed construction is frame, which is similar to many houses in the neighborhood. The addition has similar fenestration and trim details as other houses in the neighborhood.

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

The existing house is set to the West side of the lot, as is the existing garage. If the addition were not on this side, it would bifurcate the rear (and most used) yard. If the addition were moved to the East, it would block the existing basement entrance. On the interior of the building, the space needs to align with the existing kitchen.

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- 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**

The most affected neighbors have been shown the plans and do not object.



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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 101 W. LINDEN ST Zone R-5  
 A2. 7200 x .45 = 3,240  $\frac{\text{sq. ft.}}{\text{sq. ft.}}$   
 Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement	815	Basement**	815
First Floor	1202	Stairways**	195.4
Second Floor	1024	Mechanical**	67.4
Third Floor	497	Porch/ Garage**	204
Porches/ Other	204	Attic less than 5**	
Total Gross *	3742	Total Exclusions	1281.8

B1. Existing Gross Floor Area \*  
3742 Sq. Ft.  
 B2. Allowable Floor Exclusions\*\*  
1281.8 Sq. Ft.  
 B3. Existing Floor Area minus  
 Exclusions 2,460.2 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	500.68	Stairways**	12.5
Second Floor		Mechanical**	
Third Floor		Porch/ Garage**	
Porches/ Other		Attic less than 5**	
Total Gross *	500.68	Total Exclusions	12.5

C1. Proposed Gross Floor Area \*  
500.68 Sq. Ft.  
 C2. Allowable Floor Exclusions\*\*  
12.5 Sq. Ft.  
 C3. Proposed Floor Area minus  
 Exclusions 488.2 Sq. Ft.  
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2,948.2 Sq. Ft.  
 D2. Total Floor Area Allowed by Zone (A2) 3,240 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	N/A
Required Open Space	N/A
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: [Signature] Date: 6.1.11

Mr. & Mrs. David Paik  
106 West Linden Street  
Alexandria, VA 22301

July 5, 2011

To Whom It May Concern,

We write this letter in support of Tom and Susan Newell, 101 West Linden Street, Alexandria, Virginia 22301 and their plan to put a one-story addition on the back of their home.

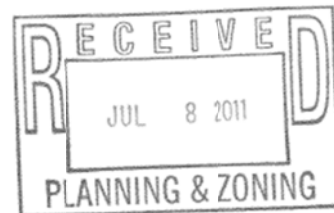
Our property is located across the street at 106 West Linden Street. The Newells have shared their plan with us and we approve.

Thank you.

Sincerely,

Handwritten signatures of David and Alice Paik. The signature on the left is 'David Paik' and the signature on the right is 'Alice Paik'.

David and Alice Paik



Mrs. Olivia Huet  
103 West Linden Street  
Alexandria, VA 22301

July 8, 2011

Dear Board Members:

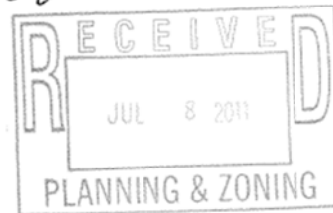
I am writing this letter to express my support for Tom and Susan Newell of 101 West Linden Street, Alexandria, Virginia and their plan to add a one-story addition on to their home.

As a property owner (103 West Linden Street) abutting the Newell residence to the west, I am aware of the Newell's application and have seen their plan. I approve of their making improvements to their property.

Thank you.

Sincerely,

Olivia Huet



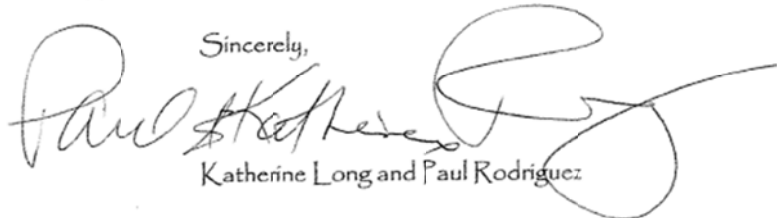
July 7, 2011

To Whom It May Concern:

Tom and Susan Newell have shown us their plan to add on to their property located at 101 West Linden Street, Alexandria, Virginia 22301. As nearby property owners (105 West Linden Street, 2 houses down), we approve of their plan.

From our backyard, we have a clear view of the area in which construction would take place. We have seen the Newell's plan and support it.

Sincerely,



Katherine Long and Paul Rodriguez

