

Docket Item #26
SPECIAL USE PERMIT #2003-0115

Planning Commission Meeting
May 4, 2004

ISSUE: Consideration of a request for a special use permit to construct a single family on a substandard lot and a parking reduction.

APPLICANT: Brett D. Rice

LOCATION: 301 Laverne Avenue

ZONE: R-2-5/Single and two-family zone

STAFF RECOMMENDATION: Staff recommends **denial** of this application. If this application is approved by City Council, staff recommends the approval be subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

I. DISCUSSION

REQUEST

The applicants, Brett D. Rice, requests special use permit approval to develop a single family home on a substandard lot at 301 Laverne Avenue.

SITE DESCRIPTION

The subject property is one lot with 35 feet of frontage on Laverne Avenue, 120 feet of depth and a total lot area of 4,200 square feet. The site is currently vacant, with a number of trees especially along the border of the property. The surrounding area is developed with single family homes, townhouses and semi-detached dwellings. Immediately adjacent to the lot is a semi-detached dwelling. The subject lot is owned by the owner of the adjacent property at 303 Laverne Avenue.

PROJECT DESCRIPTION

The applicant, the contract purchaser of the property, proposes to develop a single family house on what is now a vacant corner lot.



301 LaVerne (Subject Property)

SUBSTANDARD LOT REGULATIONS

The subject lot was created prior to the enactment of zoning regulations for the R-2-5 zone in the City and is smaller than the lot requirements of the R-2-5 zone. The R-2-5 regulations and the existing lot dimensions are as follows:

| | <u>R-2-5 Requirements</u> | <u>Existing lot Dimensions</u> |
|-----------|-------------------------------|---------------------------------------|
| Lot area | 6,500 sq ft | 4,200 sq ft |
| Lot width | 65 ft | 35 ft (120 ft Turner front) |

Pursuant to Section 12-402(A)(1) and (B) of the Zoning Ordinance, a substandard lot may be developed with a single family detached dwelling if it contains at least the lot area, and has at least the width at both the front lot line and building line, as at least 50% of the developed lots on the block face where the lot is located, and a special use permit is approved.

Staff has performed the necessary analysis and calculations under the above standard and determined that the subject lot meets the threshold allowing it to proceed to request a special use permit. The block face contains a total of 43 lots, 42 of which are developed. The subject lot contains at least the lot area and lot width of approximately 55% of the lots in the block face. It is the same size or larger than 23 out of the 42 lots. It may therefore seek a special use permit for development (see attached analysis).

Under Section 12-402 (C) of the Zoning Ordinance, City Council may approve a special use permit for a single family dwelling on a substandard lot if the lot meets the above threshold and if Council finds that the proposed development:

- (1) Will not unreasonably impair an adequate supply of light and air to the adjacent property,
- (2) Will not diminish or impair established property values in the surrounding areas, and
- (3) Will be compatible with the existing neighborhood character.

BULK AND OPEN SPACE REGULATIONS

The applicant proposes to develop the property with a single family house. The proposed house complies with the R-2-5 bulk and open space regulations in the following way:

| | | |
|---------------------|-------|--|
| Front Yard Setback: | 25 ft | 20ft (LaVerne Ave) 7ft 11.9in (Turner Rd) |
|---------------------|-------|--|

| | | |
|--------------------|---------------|---------------------------------|
| Side Yard Setback: | 1:3 (7.99 ft) | 8 ft 37 ft 10.375in (Rear) |
| FAR: | .45 | .447 |
| Height: | 35 ft | 23 ft 11.5in |
| Vision Clearance: | 100 ft | 63 ft 3.8in |
| Paving in Yard | 50%max | 62 % in side (rear) yard |

MODIFICATIONS

The zoning ordinance recognizes that building a house on a lot that is not as large as the zone anticipates may require modifications of the standard zoning rules. Under section 12-404, Council may, in approving a special use permit to allow development of a substandard lot, modify minimum yard, coverage, or other minimum requirements of the zoning ordinance. In this case, the applicant requests a modification of the both required **front yards**, the **vision clearance** requirements, and the rule that prohibits **parking on more than 50%** of the required side (rear) yard.

In support of the requested modifications, the applicant surveyed the setbacks of 35 existing corner houses within two to three blocks of the subject property and found that most have front setbacks that are less than the required 25 feet. Staff has not verified each measurement, but agrees that the front setbacks in the area are generally less than what zoning requires.

PARKING

According to Section 8-200 (A)(1) of the Zoning Ordinance, a single family residential dwelling requires two parking spaces. In this case, the applicant is proposing one surface parking space accessed from Turner Street and requests a parking reduction of one space. There is no curb, gutter, or sidewalk on the Turner Street side of the property. The applicant is not proposing to install them because the remainder of that side of the block on Turner does not have curb, gutter, or sidewalk and because staff objects to curbing and sidewalk along Turner because it would require the removal of mature trees.

SUP HISTORY

On November 18, 1995, City Council approved Special Use Permit #95-0129 allowing the construction of a single family dwelling on the same substandard lot with a modification to the front yard setback requirement and a reduction in the off-street parking requirement. Section 11-506(c) of the zoning ordinance requires that construction be commenced and substantially pursued within 18 months or the special use permit becomes void. On May 15, 1997, prior to the expiration of 18 months, the applicant requested an SUP to extend the time of the original approval. On September 13, 1997, City Council denied Special Use Permit #97-0080 for the extension of the SUP. The

Planning Commission recommended denial in both the original and the extension cases finding that the proposal was not in character with the neighborhood. At the Council hearing, Council members discussed the fact that the applicant had failed to pursue the project, and that neighbors objected to the development.

MASTER PLAN

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for residential use.

HISTORIC DISTRICT

The property is located in the Town of Potomac historic district.

II. STAFF ANALYSIS

Staff does not support the proposed single family house located at 301 Laverne Avenue. Staff finds the proposal to be objectionable because it is not compatible with the character of the neighborhood, because of the proposed significant loss of trees on the property, and because of the additional parking impacts.

The substandard lot regulations are one of the tools the city has by which to judge infill development in established neighborhoods. They incorporate two important policy elements. First, there is a complex test of basic neighborhood compatibility by which the lot size and width are compared to existing lots in the immediate neighborhood. In order to move forward in the process, the substandard lot must be similar in size to those around it. Second, such lots are then subjected to a highly discretionary process under which they are judged by staff, the planning commission and city council, against the primary standard of compatibility with the neighborhood character. In that process, the impacts of the proposal on its neighbors from a design, open space, parking perspective are all relevant. Modifications to otherwise applicable zoning regulations are allowed in order to make the proposed house similar to and in character with the established homes around it.

There are two cases before the Commission and Council for decision this month and, under the substandard lot regulations, staff is recommending against this one and in favor of the other. Its decisions are different because of the different lots involved, the different parking impacts, the different effect on mature trees and locations, size and design of the two proposals.

In the case of the proposal at the corner of Laverne and Turner in Del Ray, staff finds that the lot is so small that it is difficult to imagine a single family house of compatible character on this corner lot. The lot is and has historically been owned by its neighbor to the east, and is clearly a left over space from the original development of the block. Trying to squeeze a new house in at this location now is very difficult, and staff does not find the applicant's effort to be sufficiently sensitive to support approval.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER

The existing character of the neighborhood includes a mix of single family, semi-detached, and townhouse developments of simple designs, developed in a grid street pattern. Single family homes are generally on lots of at least 5,000 square feet or more, while townhouses and semi-detached dwellings are on smaller lots of less than 5,000 square feet, often half that size. Dwellings are typically situated close to the street. Some properties have off-street parking accessed by a private driveway, and some have only on street parking. Staff's evaluation of whether the proposal is compatible with the existing neighborhood character included the following issues:

Lot Size:

The subject lot measures 4,200 square feet. Although there are a number of lots in the area that are this small, most of those are occupied by semi-detached or townhouse style structures which under current zoning require a minimum of 4,000 square feet. The small size of the lot makes it awkward for a single family home, and the problem is exacerbated because the property is a corner lot which, under the zoning ordinance, should be at least 6,500 square feet in size for a single family home.

Lot Size Relative to Other Corner Properties:

Staff conducted an analysis of the corner properties in the area of the subject property to find if there was an established pattern of single family homes developed on corner properties of this size in the neighborhood. Most of the lots in this part of the original St. Elmo subdivision were 25 feet wide and 2500 square feet in size. Many of the single family homes in the area have been developed on two combined lots. As shown on the map below, staff found that of all of the corner properties in this area, only two were developed with single family houses on properties of 4,200 square feet or less. The proposed single family house on a substandard corner lot of 4,200 square feet is clearly not consistent with the existing corner development pattern in the neighborhood.

SUP #2003-0115
301 Laverne Avenue

Modifications:

The zoning ordinance recognizes that building a house on a lot that is not as large as the zone may require modifications of the standard zoning rules. Staff can support modifications when they help create development in a way that is more consistent with its immediate surroundings and with the established pattern in the neighborhood than strict compliance with the zoning ordinance would allow. Staff found the substandard lot case being heard at 2001 LaGrande Avenue (SUP#2004-0020) to be an example of the point. In the subject case, however, although some of the modifications are supportable in the abstract, others show how difficult it is to build the applicant's proposed house on this very small lot.

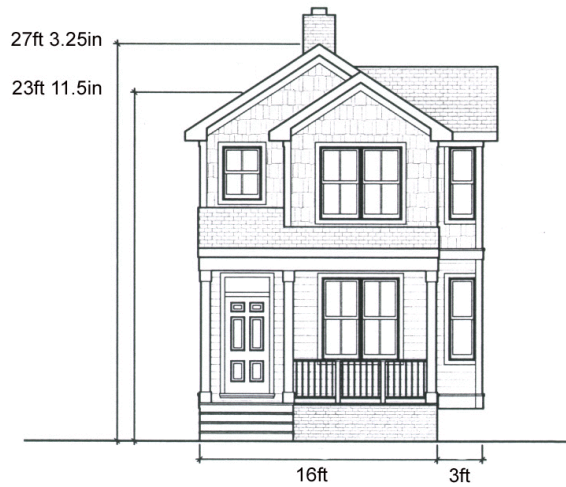
The applicant in this case surveyed the front setbacks of a number of corner properties in the vicinity of the subject property and found that the majority have setbacks less than what the zoning currently requires. The area was built, in the main, prior to the adoption of the current zoning requirements, so the applicant's findings are not surprising. In addition, the surveyed properties are larger than the subject parcel, and in some cases are developed with semi-detached dwellings, discounting their relevance to the requested modifications for the subject property. However, staff agrees that as to the front setback requirement on Laverne, the proposed modification is desirable so as not to have a new house out of character with the others nearby. On the Turner Street frontage however, the small setback (11 feet to the building wall and only eight feet to the large bay windows) is problematic, as it allows a large and long structure (60' long) very close to the street, and completely out of character with the setback of the house behind it.

Staff does not object to a vision clearance modification, in that the streets affected are neighborhood, residential streets, with relatively slow traffic, and because there is a stop sign at Turner Road.

Finally, staff cannot support the rear yard paving modification because the size and location of the house leaves a small side (rear) yard, the parking provided there is not even sufficient to meet zoning requirements and the paving and curbcut require removal of trees.

Size and Height of proposed building:

The subject development maximizes the required .45 floor area ratio and proposes a FAR of .447. It is two and a half to three stories tall and 60 ft long. Given that the subject development is already out of character with the existing pattern of development in the area in that the lot is undersized, a supportable house at this location would have to be significantly smaller than the one proposed.



LaVerne Avenue Facade



Turner Road Facade

Design:

The Town of Potomac historic district has a large concentration of residential architecture from the 1890s through 1941. The 200 and 300 blocks of LaVerne Avenue have a number of structures on the Town of Potomac Historic District Inventory of contributing buildings. The style of these structures are predominantly Four Squares, but also includes Bungalows, Folk Victorians, and

simplified New-Colonials. Although the style of the proposed house is not a common type in the area, it resembles a Folk Victorian, and although not exact, is an attempt to evoke the historic context of the area. The front porch on the proposed house is a common element in the district, although the slight overhang of the second floor is not typically seen on the historic homes. The length of the proposed house, particularly compared to the smaller lot size, is not demonstrated in the historic homes in the neighborhood. Although houses technically can develop to a .45 floor area ratio, the historic homes were originally developed at much less, and allowable additions are generally made to look subordinate to the original structure. In this case, the applicant maximized the floor area ratio in the original structure, making the main structure less compatible with the historic context.

The applicant's design has significantly improved over several iterations in response to staff's numerous concerns with the application. The initial design was boxy and windowless on the street side showing little consideration for the corner location. Windows on the other facades of the house were awkwardly placed in a disorganized way. Additionally, the proposal removed most of the trees that line the property. The final design being proposed here is more attractive, with windows on the street side, arranged in an organized manner. However, the house is awkwardly long and narrow, extending well beyond the rear wall of the adjacent semi-detached dwelling. The 60 foot long front wall along Turner is oppressively close to the street and lacking in detail in the design. The cantilevered windows on Turner Road are oversized and emphasize the excessive length. The narrowness of the house may be partly responsive to staff's concern about the mature trees, but since the trees cannot be saved regardless, the house design would have to be significantly different to better fit the lot.

TREES

The subject property includes 14 mature trees, with most of them located along the Turner Road side. Staff discussed with the applicant the importance of preserving these trees as part of any development. The trees are an important element of the property, and saving them would make a development at the property more favorable. The applicant narrowed the house to 16 feet in an attempt to save the trees. However, the City Arborist concluded, and the applicant's arborist agreed, that it would be difficult to save the trees with any development on the property. Specifically, the proposed development requires removal of six of the mature trees, including a 21inch oak, a 17.5inch oak, and a 19inch locust. A 21 inch oak, a nine-inch oak, and a 12inch maple would be removed to install a driveway. The applicant does propose to install 10 new trees to mitigate the loss of the mature trees. The applicant indicates the new trees will be "mature", but does not indicate a caliper size. In any event, staff finds that the removal of the mature trees on this small site is a significant loss to the community, even with new replacement plantings, and should not be supported when accommodating the development of a substandard lot that is not in character with the neighborhood.



PARKING:

The applicant proposes to install one surface parking space at the rear of the house, despite the fact that two are required. A parking reduction of only one space may be reasonable in some cases, particularly since it reduces the amount of paving on the property. However, in this case there are so many concessions that the applicant is requesting in the overall proposal that the potential for added impacts to street parking seems almost an unreasonable request. In addition, the applicant made no effort to reconfigure the driveway to save the two large oak trees and one maple tree that are proposed to be removed because of the proposed driveway.

RECOMMENDATION:

Staff recommends denial of this application, finding that the development of the proposed single family house on this corner lot of only 4,200 square feet is not in character with the neighborhood. The development causes a number of mature trees to be lost, and creates an added parking impact on the neighborhood. In the event that the application is approved, staff has included a number of conditions intended to soften the significant impacts of the proposed development.

III. RECOMMENDED CONDITIONS

Staff recommends **denial** of this application. If this application is approved by City Council, staff recommends the approval be subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant shall provide a minimum of one parking space on the lot. (P&Z)
2. The applicant shall install at least 10 new trees on the property of at least a 4" caliper, the majority of which shall be placed along the street frontages. (P&Z)
3. The driveway and walk surfaces shall have minimal paving and be constructed of mostly permeable elements. (P&Z)
4. Modifications for the front yards, vision clearance and side yard parking requirements are granted. (P&Z)
5. In order that the existing trees may be preserved, the applicant shall not install sidewalk on the Turner Road frontage. (P&Z)
6. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding security hardware for the new home. This is to be completed prior to the commencement of construction. (Police)
7. A PLOT PLAN showing all improvements and alterations to the site, and adjacent right of way shall be approved by T&ES prior to issuance of a building permit. (T&ES)
8. City records indicate that the existing fence along Turner Road is encroaching upon the city right of way. Fence shall be removed/relocated. (T&ES)
9. City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. 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. (T&ES)

10. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Although the proposed structure will intrude into the 100 foot vision clearance as set forth in Section 7-801, T&ES does not object to the proposed placement of the house. There is low volume of traffic on this neighborhood street. However, T&ES insists that other site improvements, i.e. fencing and landscaping meet the requirements of this section.
- R-1 A PLOT PLAN showing all improvements and alterations to the site, and adjacent right of way shall be approved by T&ES prior to issuance of a building permit.
- R-2 City records indicate that the existing fence along Turner Road is encroaching upon the city right of way. Fence shall be removed/relocated.

Staff did not recommend the following because, if the application is approved, installing sidewalk, curb, and gutter will make the ability to save the trees more difficult.

- R-3 Section 8-1-17 of the City Code requires that curb, gutter and sidewalk be installed at the property owner's expense whenever construction or alteration of a building site will increase the fair market value of the property by more than 50 percent. Provide a design for the missing curb/gutter and sidewalk to be installed as part of this project.
- R-4 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. 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.
- R-5 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- C-1 All utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-2 Pay sanitary sewer tap fee prior to issuance of a building permit.(Ord. #4287)

- C-3 Any work within the right-of-way requires a separate permit from T&ES.(Sec. 5-3-61)
- C-4 Per City Ordinance No. 3176, requests for new driveway aprons, unless approved at public hearing as part of a related item, must be accompanied by an adjacent **Property Owners Acknowledgment** form.
- C-5 For any project having a disturbed area greater than 2,500 square feet, the applicant must comply with the Article XIII of the City's zoning ordinance, which includes requirements for stormwater pollutant load reductions, treatment of the water quality volume default, and stormwater quantity management.
- C-6 For any project having a disturbed area greater than 2,500 square feet, the applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.

Code Enforcement:

- C-1 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to porches with roofs and skylights within setback distance.
- 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail 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.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding security hardware for the new home. This is to be completed prior to the commencement of construction.