

Docket Item #1
BZA CASE #2010-0022

Board of Zoning Appeals
October 14, 2010

ADDRESS: 118 E. MAPLE STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: SAMANTHA AND DAVID STRAUSS, OWNERS

ISSUE: Special exception to construct a rear dormer addition in the required east side yard setback.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506 (A)(2)	Side Yard	7.14 ft.	6.00 ft.	1.14 ft.

BOARD OF ZONING APPEALS ACTION OF OCTOBER 14, 2010: On a motion to approve by Mr. Goodale, seconded by Mr. Keegan, the special exception was approved by a vote of 6 to 0.

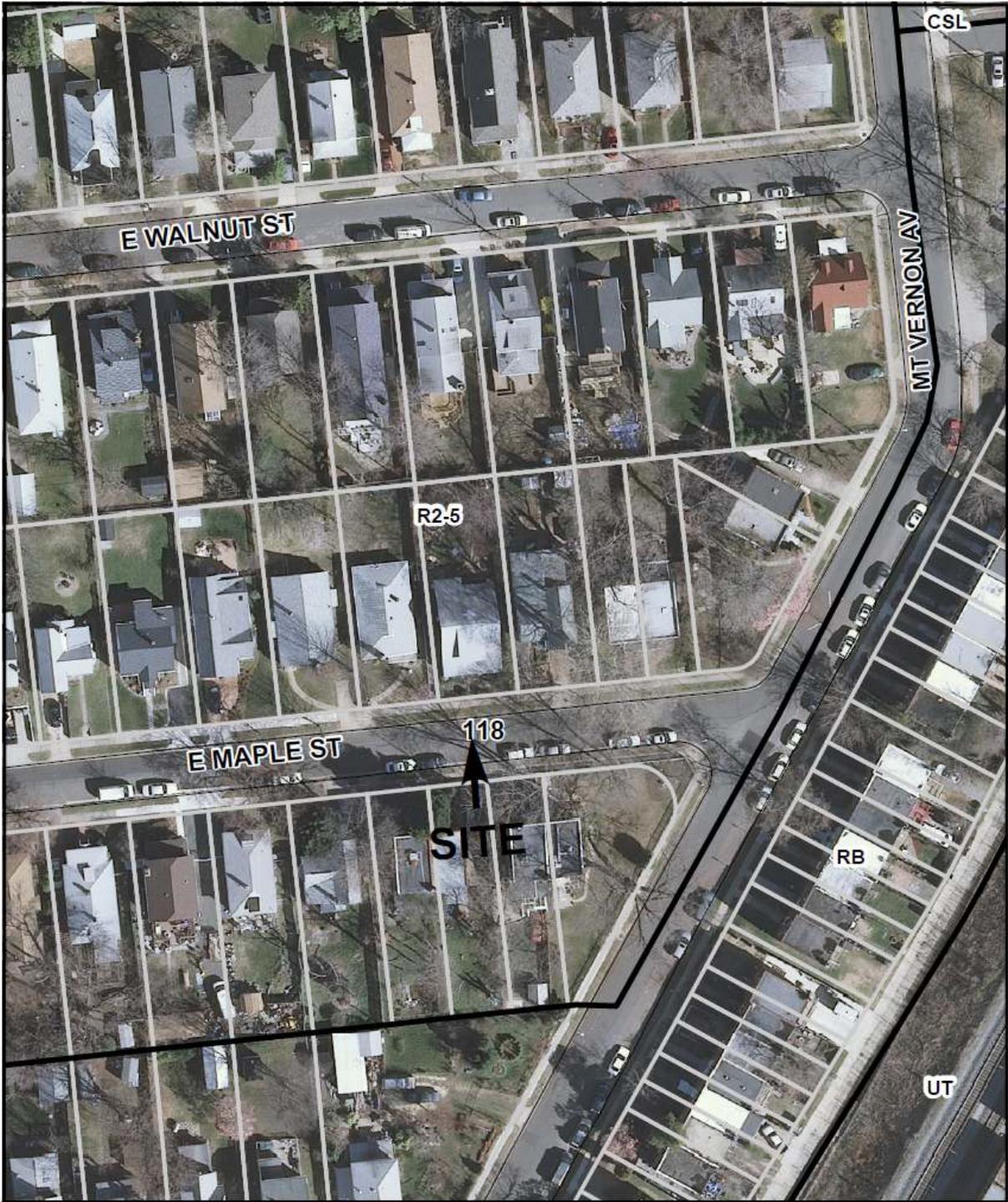
Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

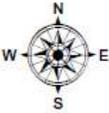
David Strauss, owner, made the presentation.

The staff **recommends approval** of the requested special exception 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 #2010-0022 CONTEXT MAP



I. Issue

The applicants request a special exception to build a second story rear shed dormer at 118 East Maple Street.



II. Background

The subject property, is one lot of record with 40.00 feet of frontage on East Maple Street and a depth of 110.00 feet along the east and west side property line. The property contains 4,400 square feet of lot area. A one and one-half story single-family dwelling occupies the property and is located 12.90 feet from the front property line facing East Maple Street; 7.60 feet from the west side property line and 6.00 feet from the east side property line. According to real estate assessment records the house was constructed in 1918.

III. Description

The applicants propose to construct a rear shed dormer addition to the existing half-story of the subject building. The proposed dormer addition will be erected over the existing house and will measure 10.75 feet by 26.30 feet for a total of 282.75 square feet. The height of the dormer is 21.42 feet when measured to the eaves. The dormer addition will continue to be located 7.00 feet from the west side property line and 6.00 feet from the east property line. The existing east side property line is currently noncomplying with regards to the ordinance. Because the second story dormer addition will be built in line with the existing rear foot print of the house, it is eligible for a special exception.

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-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for a residential land use.

V. Requested Special Exception:

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

The applicants request a special exception of 1.14 feet from the required east side setback requirement of 7.14 feet (based on a building height of 21.42 feet measured to the eave of the shed dormer).

VI. Noncomplying Structure/ Substandard Lot

The existing building at 118 E. Maple Street is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Lot Area	5,000 sq. ft	4,400 sq. ft	600 sq. ft
Lot Width	50.00 ft.	40.00 ft.	10.00 ft.
Side Yard (east)	7.00 ft.	6.00 ft.	1.00 ft.

VII. Special Exceptions Standards

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
- 2) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
- 3) Whether approval of the special exception will alter the essential character of the area or zone.
- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.
- 5) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

VIII. Staff Conclusion

The subject lot is substandard, but similar to many other lots on the block and in the surrounding neighborhood. An inspection of the immediate neighborhood revealed several homes with additions in line with the original building walls.

Staff believes the proposed rear dormer meets the criteria for a special exception. The second story dormer addition will unlikely impact the adjacent properties or reduce light and air to those abutting properties. The maximum height of the proposed addition is limited to the existing height of the current second floor that is now found on the front of the house. The proposed design is compatible with the existing architecture and with the neighborhood character.

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
 - 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:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the

entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.

- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Administration that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 Additions and Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Additions and Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-10 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.

Recreation (Arborist):

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

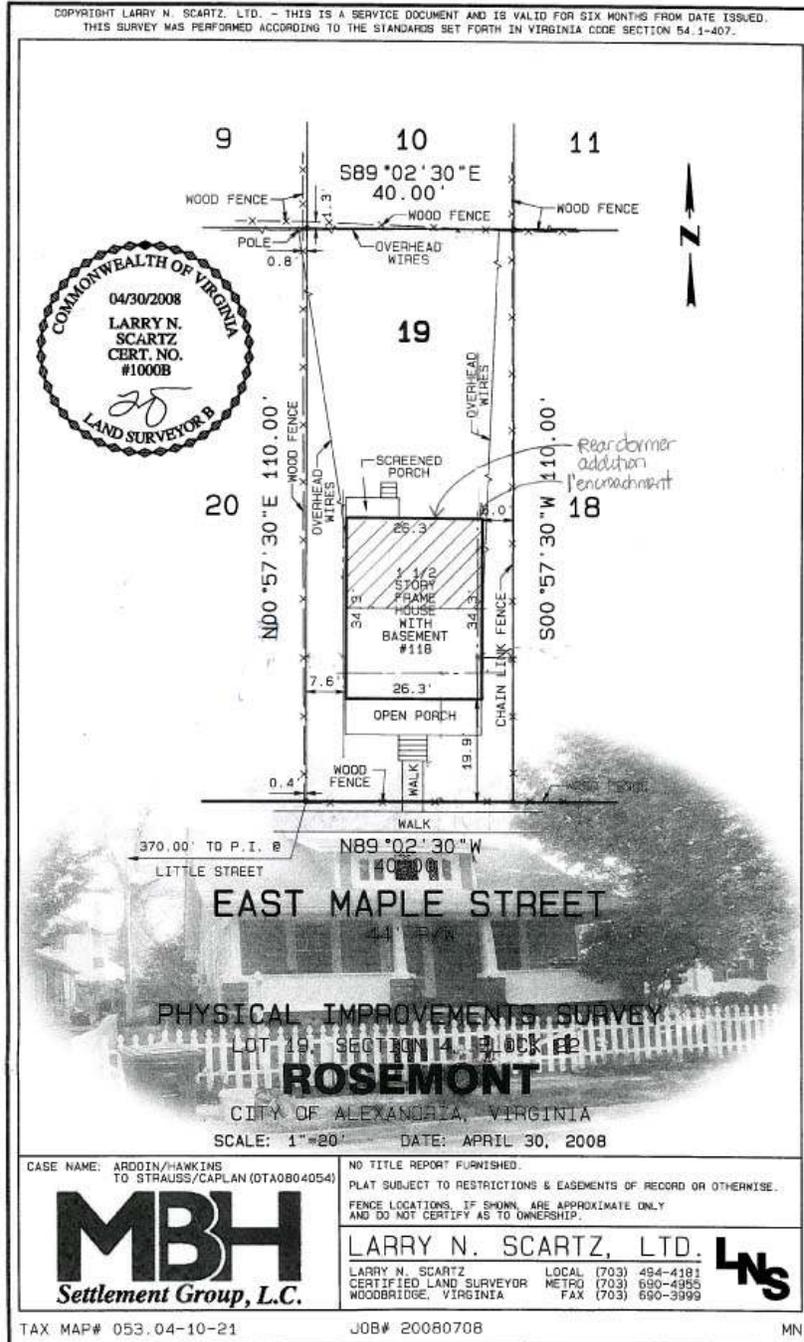
Historic Alexandria (Archaeology):

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



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File Copy



**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 Samantha and David Strauss
 Address 118 E Maple Street
Alexandria, VA 22301
 Daytime Phone 703-403-9950
 Email Address DAVESTRAUSS@GMAIL.COM
2. Property Location _____
3. Assessment Map # 53.04 Block 22¹⁰ Lot 19²¹ Zone R-2-5
4. Legal Property Owner Name Samantha and David Strauss
 Address 118 E Maple Street
Alexandria, VA 22301



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.	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 _____ (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.	Samantha Straus	118 E. Maple St	50%
2.	David Strauss	118 E. Maple St	50%
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.	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.

8/30/10 David Strauss David Strauss
 Date Printed Name Signature

Alexandria City Council

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

Planning Commission

John Komoroske, Chair
H. Steward 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
Arthur Keleher
Wayne Neale
Peter Smeallie
James Spencer
John Von Senden

Board of Architectural Review

Parker-Gray District

Christina Kelley, Chair
William Conkey
H. Richard Lloyd, III
Thomas Marlow
Douglas Meick
Philip Moffat
Deborah Rankin

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 propose to build a dormer on the rear half of our house, directly above the side walls and the rear wall. Because one of our existing side walls is 6 feet from the property line, we request a special exception to allow the addition to have a wall 6 feet from the property line.

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:

David Strauss
Print Name

David Strauss
Signature

703-403-9950
Telephone

8/20/10
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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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.

*1. Structurally, the dormer will be easier to build if the walls are built on top of existing walls.
2. Aesthetically, the dormer will look nice if built above existing walls.
3. The dormer will provide needed interior space if it extends to the existing walls of the house.*

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

It will not harm adjoining properties or negatively impact the neighborhood.

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

It will have very little impact as we are not building above our existing roof line.

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

It will be architecturally consistent with other homes in the neighborhood. Shed dormers are common on similar bungalow-style homes in Rosemont. Several other homes in the Rosemont neighborhood have recently completed similar additions.

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

It is similar. There are several other bungalow-style homes with the same type of addition.

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

By building on the existing footprint of our home, the proposed addition will be minimally intrusive to our property or to our neighbors' properties, and it will maintain the existing character of our houses.

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.

We have spoken to our neighbors about the proposed addition in informal conversations. None have expressed any objections. However, we have not yet had the opportunity to ask them to write formal letters of support prior to the deadline for this application.



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 118 E. Maple Street Zone R-2-5
 A2. 4,400 x .45 = 1980
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement	902.09	Basement**	902.09
First Floor	902.09	Stairways**	21
Second Floor	902.09	Mechanical**	
Third Floor	40	Porch/ Garage**	184.1
Porches/ Other	184.1	Attic less than 5***	521.5
Total Gross *	2930.37	Total Exclusions	1628.69

B1. Existing Gross Floor Area *
2930.37 Sq. Ft.
 B2. Allowable Floor Exclusions**
1628.69 Sq. Ft.
 B3. Existing Floor Area minus
 Exclusions 1301.68 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**	26
Second Floor	282.75	Mechanical**	
Third Floor		Porch/ Garage**	
Porches/ Other		Attic less than 5***	
Total Gross *	282.75	Total Exclusions	26

C1. Proposed Gross Floor Area *
282.75 Sq. Ft.
 C2. Allowable Floor Exclusions**
26 Sq. Ft.
 C3. Proposed Floor Area minus
 Exclusions 256.75 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 1558.43 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 1980 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.

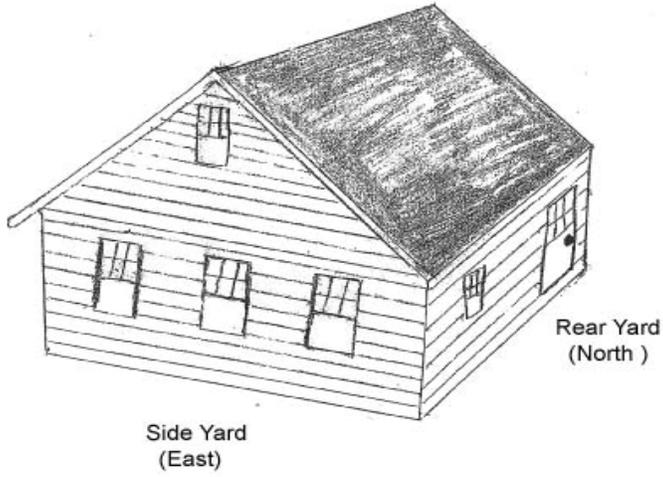
F. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

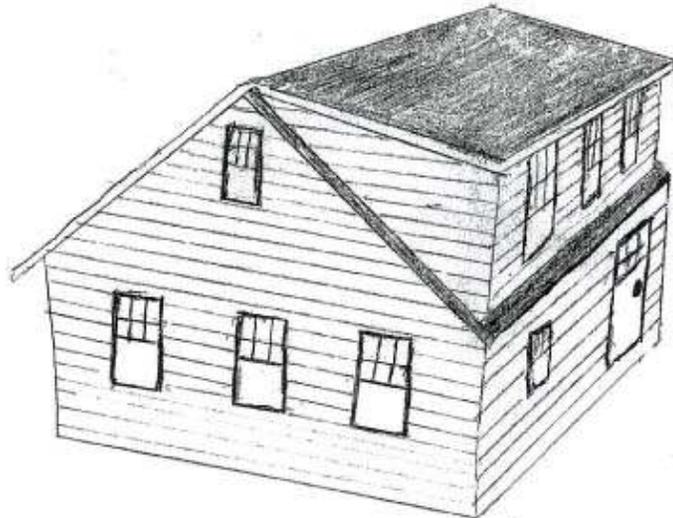
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: Samantha Straum Date: 9/21/10

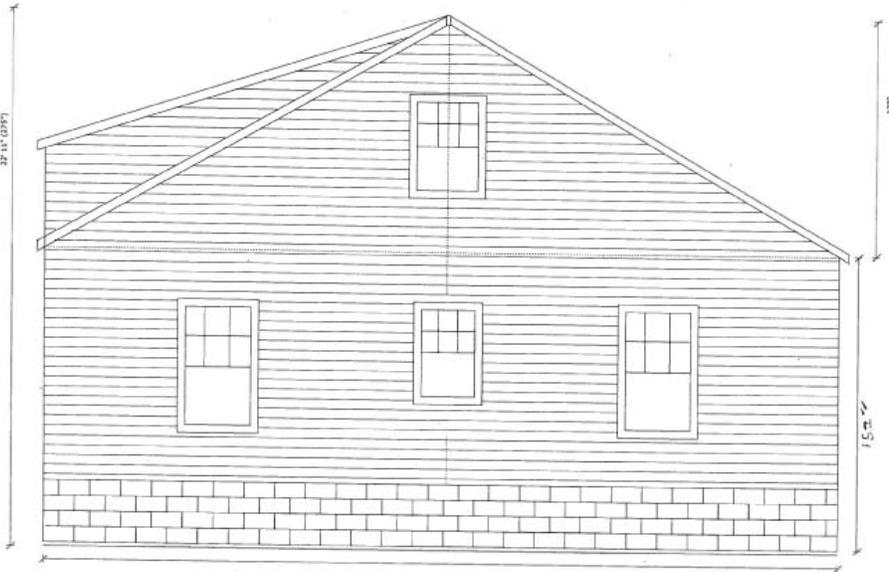
Existing Rear and Side Yard View



Proposed Rear/Side Yard View



EXISTING EAST SIDE ELEVATION



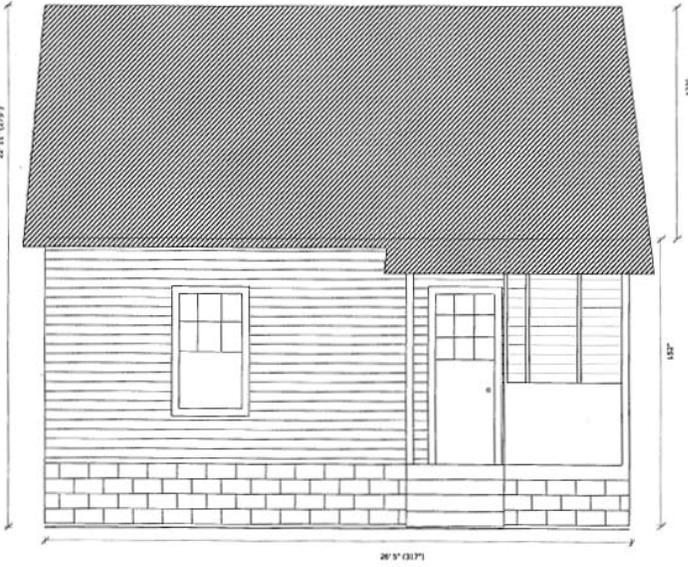
1" = 50"

Proposed East Side Yard Elevations



1" = 50"

Existing Rear View and Elevations



1" = 50"

Proposed Rear View and Elevations



1" = 50"



