

Docket Item #3
BZA CASE #2013-0014

Board of Zoning Appeals
July 11, 2013

ADDRESS: 13 E. NELSON AVENUE
ZONE: R-2-5 RESIDENTIAL
APPLICANTS: JUSTIN SMITH AND JIM SCHEYE, OWNERS

ISSUE: Request for a variance to construct a new two-story addition with a bay window in the required east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANTS PROPOSE	REQUESTED RELIEF
3-506 (A)(2)	Side Yard (east)	7.00 ft*	5.00 ft	2.00 ft

* The setback is based on a building height of 19.50 feet to the midpoint of the roof and the minimum setback of 7.00 ft.

Staff **recommends denial** of the variance because the applicants do not meet the criteria for a variance.

If the Board decides to grant the requested variance, the proposed construction 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 and setbacks. 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 #2013-0014
13 E Nelson Av



I. Issue

The applicants request a variance to construct a two-story addition with a basement foundation and a bay window in the required east side yard located at 13 East Nelson.



II. Background

The subject property consists of two lots (lot 14 & part of 15) with 57.67 feet of frontage along East Nelson Avenue, and a lot depth of 130.00 feet. The lot complies with the R-2-5 zoning regulations, which require a minimum frontage of 40.00 feet and minimum lot size of 5,000 square feet.

The property is currently developed with a two-story single family dwelling with an open front porch. The structure is located 12.00 feet from the front property line, 9.00 feet from the east side property line, 15.80 feet from the west side property line, and 67.00 feet from the rear property line. In addition, the lot is bordered by two alleys located to the rear and the east side of the property. According to real estate assessment records the house was constructed in 1925. The lot complies with all R-2-5 zoning regulations.

III. Description

The applicants are proposing to construct a two-story addition with basement foundation setback 5.00 feet from the east side property line, 28.50 feet from the front property line and 79.00 feet from the rear property line, with a bay window projecting an additional 1.00 foot from the addition, and 4.00 feet from the side property line. The addition is 19.50 feet in height measured from grade to the midpoint of the roof facing the east side property line and spans 22.50 feet in length. The proposed addition contains 164.00 square feet of floor area on the first and second floors. The applicants are also proposing to construct a 1.50 foot deep pent roof, which meets the required setbacks, around the existing rear addition.

Upon completion of the work, the proposed renovation will continue to comply with the floor area requirements.

There have been no variances or special exceptions previously granted for the subject property and the property currently meets all zoning requirements.

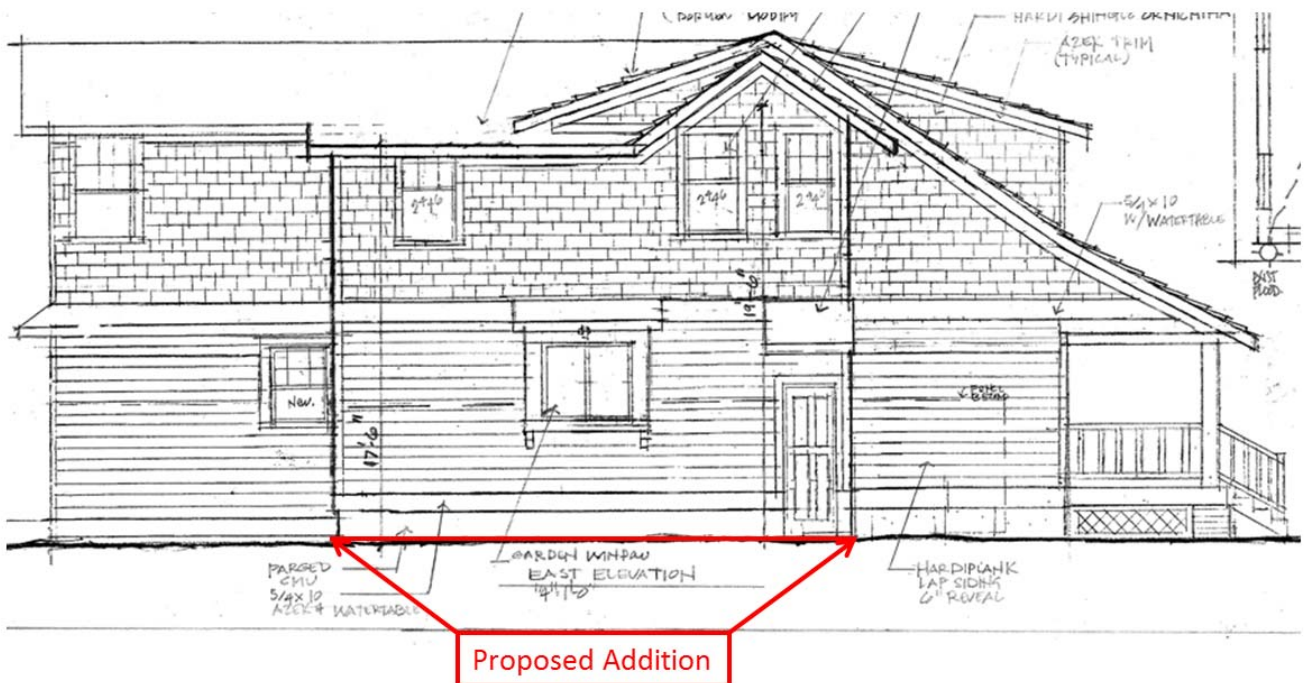
IV. Master Plan/Zoning

The subject property is zoned R-2-5 and has maintained this designation since 1951, and is identified in the Potomac West Small Area Plan for residential land use.

V. Requested Variance:

3-506 (A)(2), Side Setback

The applicants are requesting a variance of 2.00 feet from the required east side setback.



VI. Standards for Variances

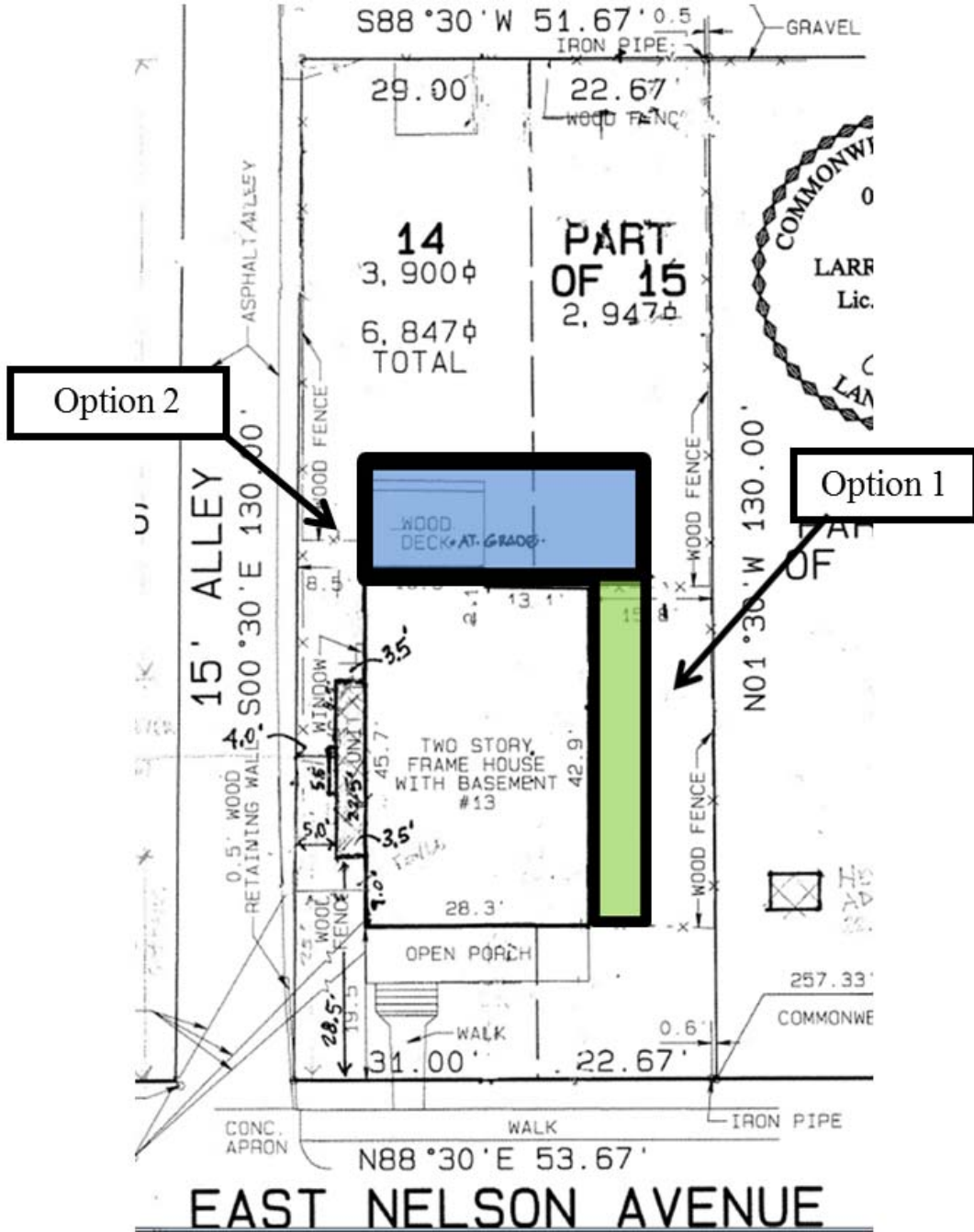
To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that the applicants must address and that the Board must find exists to warrant varying the zoning regulations.

- a) The particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b) The conditions upon which the petition for a variance is based are not applicable generally to other property within the same zoning classification;
- c) The property was acquired in good faith and any hardship produced by the ordinance was not created by the owner of such property;
- d) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof;
- e) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety;
- f) The variance, if granted, will not alter the essential character of the area or be a substantial detriment to adjacent property;
- g) The strict application of this ordinance would produce undue hardship;
- h) Such undue hardship is not shared generally by other properties in the same zone and vicinity; and
- i) No other remedy exists whereby the same relief was, is or may be available from another approval body of the city as part of its review of a site or other development application.

VII. Staff Analysis Side Setback Variance

The applicants have not demonstrated a hardship in order to grant the variance. Numerous options are available for a comparable or even larger addition that would comply with the R-2-5 zoning regulations. The applicants have chosen to locate the two-story addition on the eastern side of the house, which is the most limited area on the lot

due to the setback requirements. The lot square footage is ample and the structure is positioned to provide a variety of options to construct an addition. The same addition or an even larger addition (limited by the maximum FAR) located on either the west side and/or the rear of the house will comply with the zoning regulations, and not require a variance.



VIII. Staff Conclusion

Staff **recommends denial** of the variance requesting to construct a two-story addition and bay window into the required east side yard. A hardship does not require the applicants to locate the addition in the east side yard setback as there are alternative locations available on the property (rear and west side) where an addition could be constructed in full compliance with the R-2-5 zoning regulations.

DEPARTMENTAL COMMENTS

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

Transportation and Environmental Services:

- R1. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R2. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R3. 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)
- R4. The building permits must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- F1. After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- 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. 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)
- C-3. 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-4. 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-5. All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (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:

No comments received.

Recreation (Arborist):

No comments received.

Historic Alexandria (Archaeology):

R-1.* The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

R-2.* The applicant/developer shall not allow any metal detection or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

R-3. The statements in archaeology conditions above marked with an asterisk "*" shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

F-1. Historic maps do not indicate that there are any known archaeological resources in the immediate vicinity of the subject property. The lot appears to have been vacant until the present house was built in the 1930s. Nevertheless, the subject property is located in the Town of Potomac Historic District, which is an important chapter of the growth of Alexandria in the late nineteenth and early twentieth century. Given the scale of the proposed project, archaeological resources could be unearthed on the subject property that could provide insight into the past history of Alexandria.

Other Requirements Brought to the Applicant's Attention (Planning and Zoning):

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.

ELECTRICAL NOTES

- (1) All work to comply with local codes & NEC
- (2) Hardwired smoke detector with a battery back-up is required on every level of dwelling and in all new bedrooms
- (3) All receptacles within 3 feet of kitchen sink must be GFCI protected
- (4) Comply with all NEC 210.52 & 210.8
- (5) When 3-way and dimmers are used on one light fixture (or grouping) special "Luthorn" dimmer is required using a master/slave configuration
- (6) Electrical contractor to verify with owner final receptacle layout in kitchen area. Coordinate with final kitchen design
- (7) Verify with owner final size of recessed lights (3 3/4" vs. 5") and type of baffle and trim
- (8) Verify all light, receptacle, TV, and cable locations with owner prior to rough in.
- (9) Exhaust bath fans to exterior
- (10) Install halogen bulbs in all recessed lights.
- (11) Dimmer switch - suggest Lutron Ariadni - AY-600PH-WH
- (12) Install AFCI - Arc Fault circuit interrupter in all bedrooms

- (13) Electrical Contractor to provide expanded electrical service and/or additional panels as required by the new addition. Any new service required to be provided underground from nearest electrical source to house.
- (14) Location of any new panels to be coordinated with owner.
- (15) Locations of all fixtures and outlets on drawings are approximate. Electrical Contractor to verify all switch, outlet, fixture and jack locations in field with owner and/or Architect after house is rough framed.
- (16) Provide power source for alarm/smoke detector system as required.
- (17) Prewire for telephone, cable TV, Security and stereo systems as determined in field by owner.
- (18) Coordinate locations of all fixtures to provide drop ceiling and other framing for locations in rooms, walls and overhangs as indicated on drawings.
- (19) Provide solid blocking for ceiling fans.
- (20) Dimmers are shown on plans. Final determination to be made in field by owner and/or Architect.

- (21) Fixture selection by owner and/or Architect.
- (22) All switches to be 48" above finished floor to centerline, except as noted or as required by cabinets, vanities, equipment or wall openings.
- (23) All outlets to be 12" above finished floor to centerline, except as noted or as required by cabinets, vanities, equipment or wall openings.
- (24) Color and finish or switches, outlets and cover plates to be selected by owner and/or Architect.
- (25) All lighting for garden wall, garden walks, trees, terraces, etc. to be determined in field by owner and/or Architect.
- (26) Electrical contractor shall coordinate with Mechanical Contractor to provide all necessary power as required for a complete HVAC system.
- (27) Special electrical requirements to be determined by owner. Owner to be consulted prior to bidding to insure these special requirements are met.

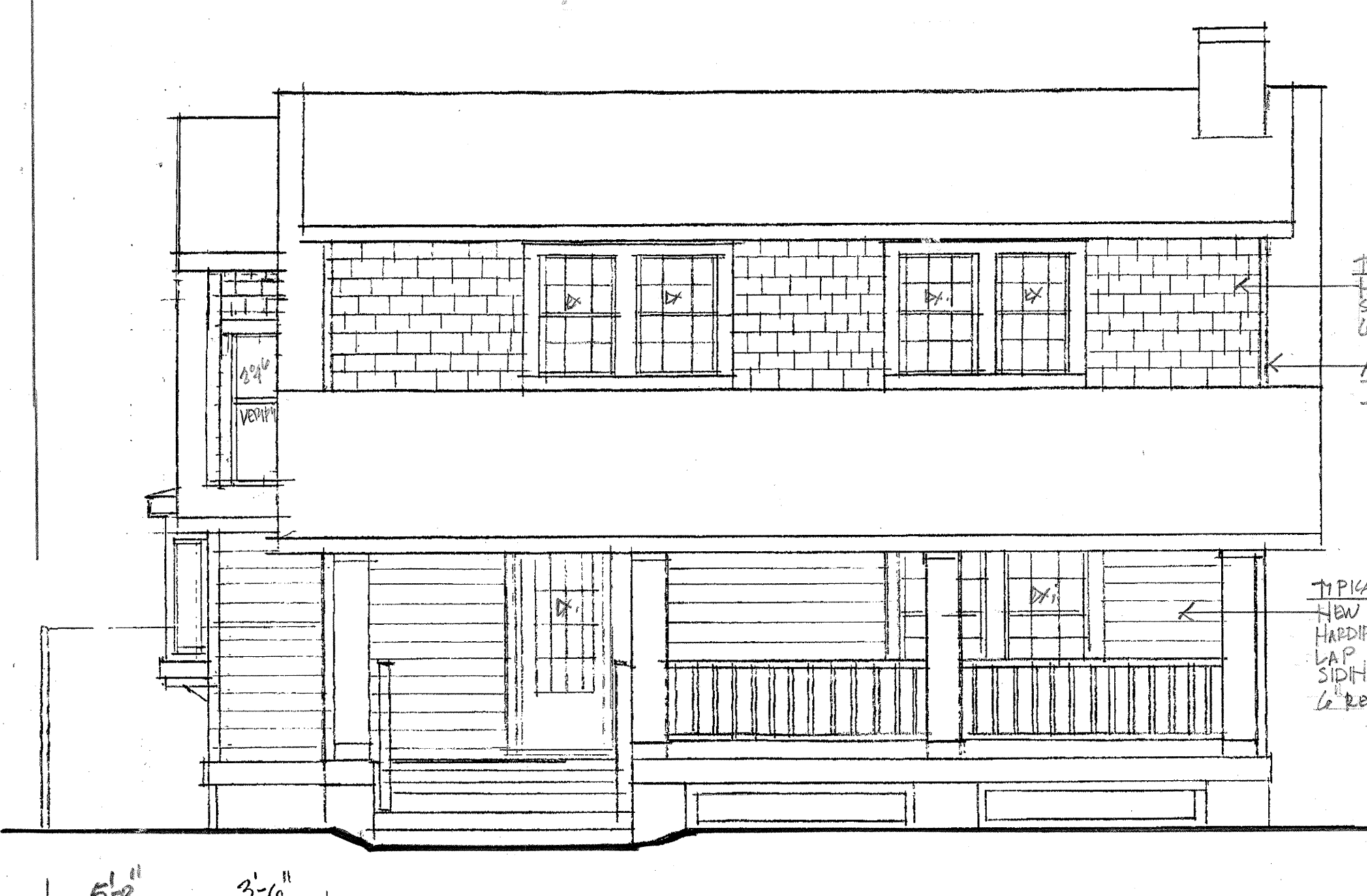
ELECTRICAL SYMBOL LIST

- ⊞ SWITCH
- ⊞_d SWITCH WITH DIMMER
- ⊞₂ TWO-WAY SWITCH
- ⊞₃ THREE-WAY SWITCH
- ⊞₄ FOUR-WAY SWITCH
- ⊞ RECEPTACLE
- ⊞₂₂₀ 220 VOLT RECEPTACLE
- ⊞_{GFI} GFI RECEPTACLE
- ⊞ WALL SCONCE FIXTURE
- ⊞ HANGING PENDANT LIGHT
- ⊞_{WP} WATER PROOF SURFACE MOUNT

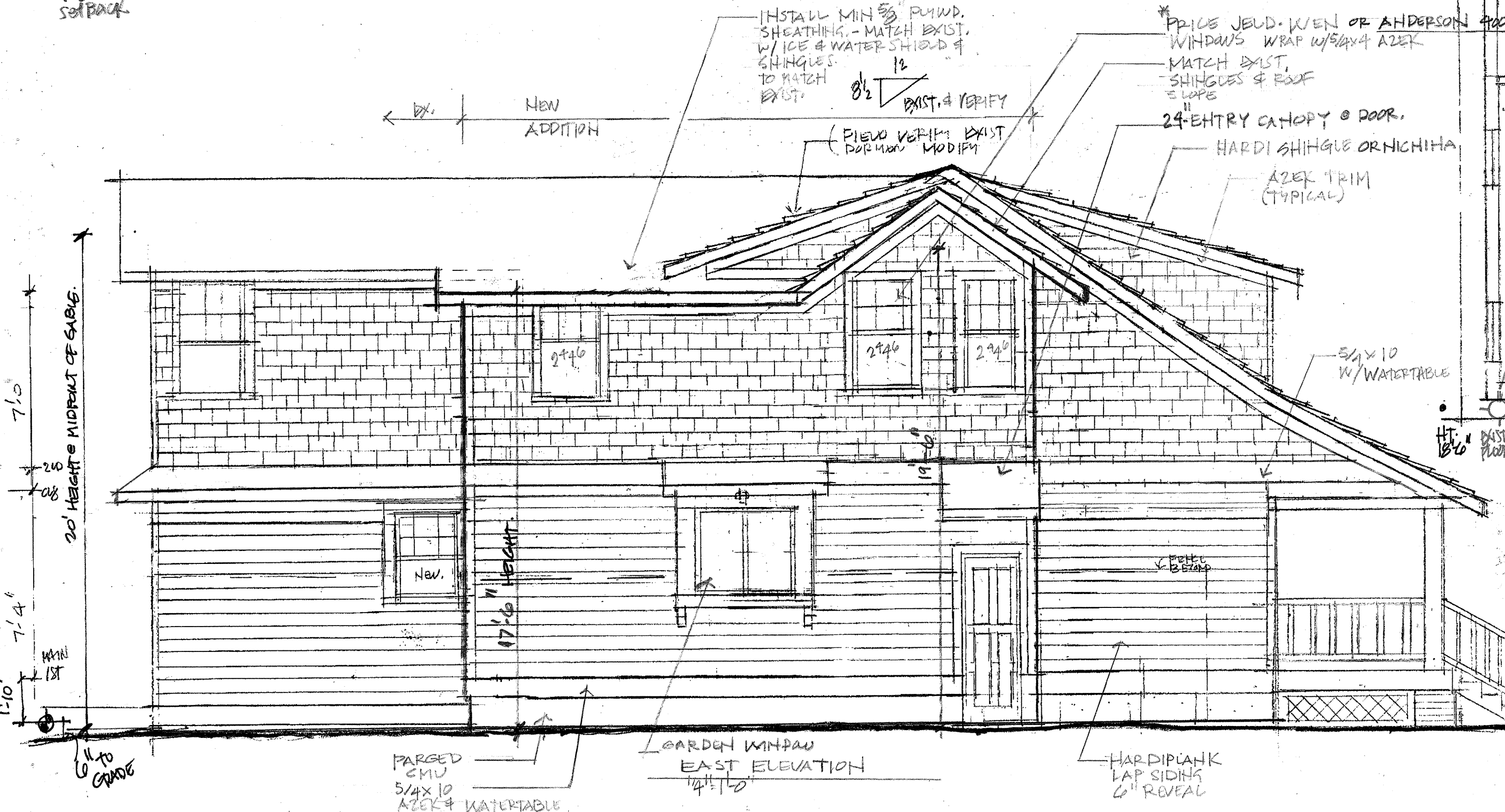
- ⊞ SURFACE MOUNTED FIXTURES
- ⊞ RECESSED FIXTURE W/ HALOGEN BULBS
- ⊞_{PC} FIXTURE WITH PULL CHAIN
- ⊞ LIGHT & FAN COMBINATION
- ⊞ EXHAUST FAN
- ⊞ FAN
- ⊞ FLOURESCENT LIGHT
- ⊞ UNDERCABINET LIGHT
- ⊞ MONOPOINT RECESSED LIGHT
- ⊞ FLOOD LIGHT
- ⊞ DOWNLIGHT EXTERIOR - PROGRESS

- ⊞ CEILING FAN
- ⊞ CTV CONNECTION + CABLE TV
- ⊞ TELEPHONE JACK
- ⊞ SMOKE DETECTOR
- ⊞ THERMOSTAT
- ⊞ DISPOSAL
- ⊞ HOSE BIB
- ⊞ KEYLESS SURFACE FIXTURE

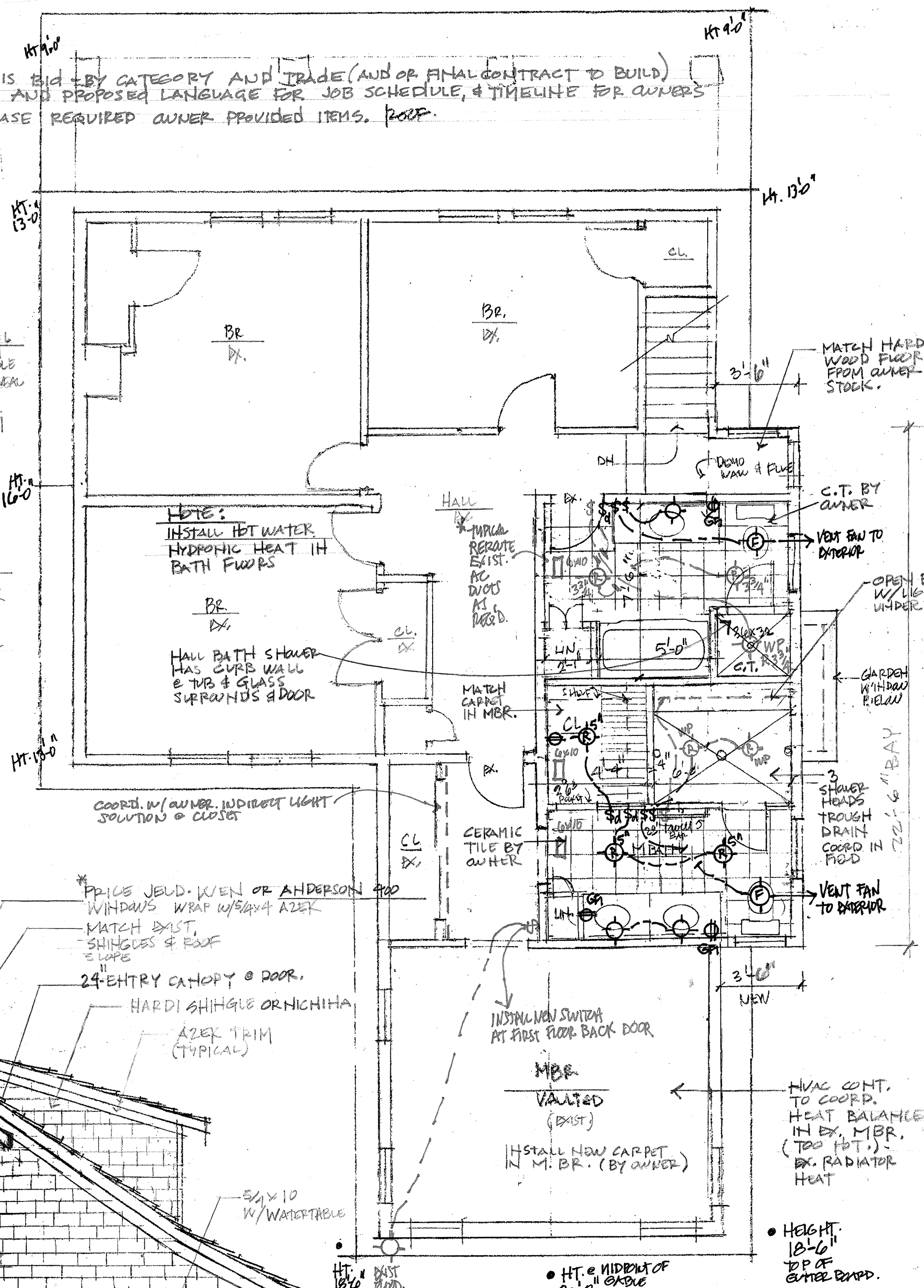
* CONTRACTOR TO PROVIDE IN HIS BID BY CATEGORY AND TRADE (AND OR FINAL CONTRACT TO BUILD) A WRITTEN FINISH DATE, AND PROPOSED LANGUAGE FOR JOB SCHEDULE, & TIMELINE FOR OWNERS TO ALLOW OWNERS TO PURCHASE REQUIRED OWNER PROVIDED ITEMS. ROOF.



NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

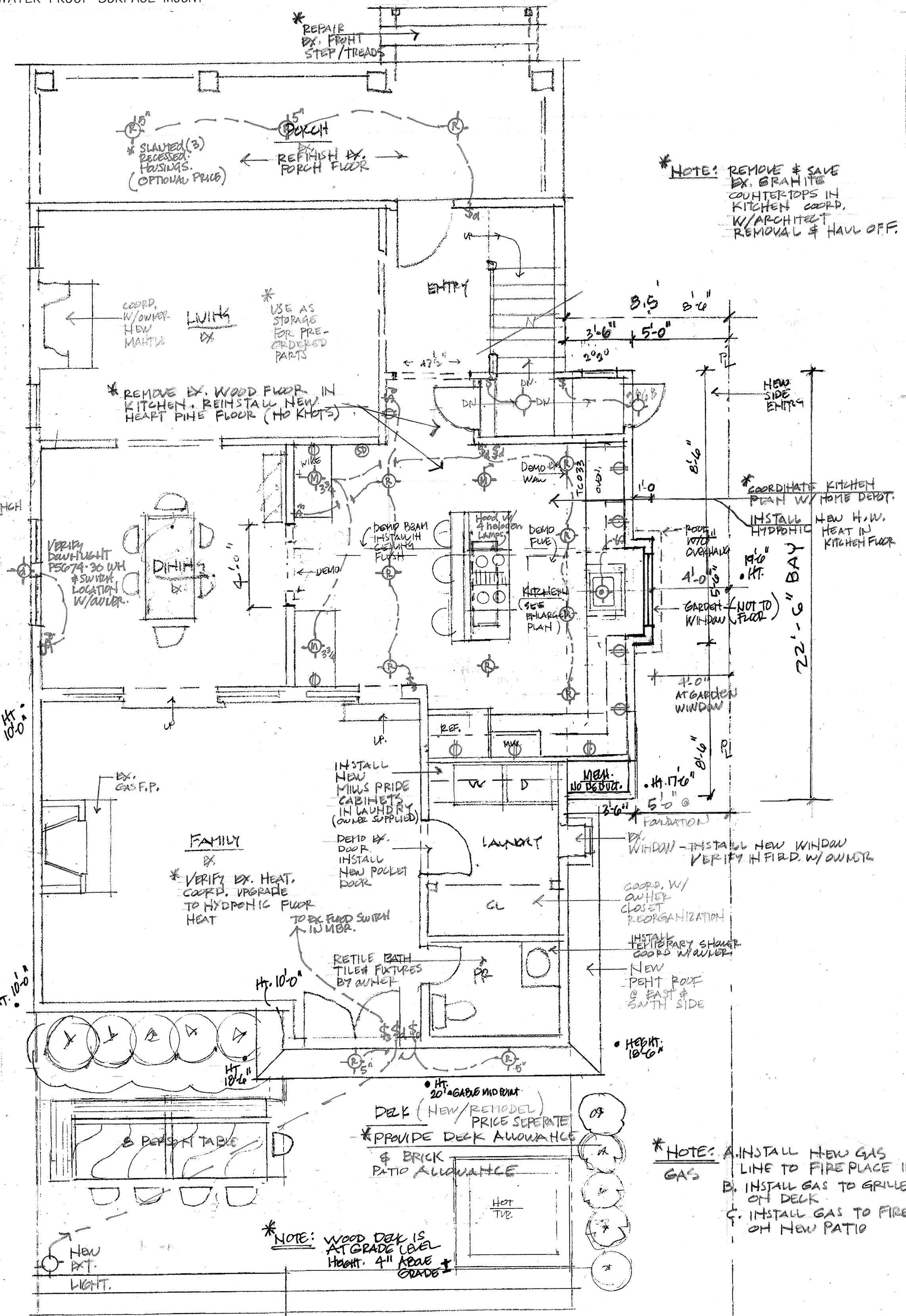


SECOND FLOOR PLAN & ELECTRICAL
1/4" = 1'-0"

Average Height

20'-0"	9'-0"
19'-6"	13'-0"
19'-0"	17'-6"
18'-6"	19'-6"
18'-0"	17'-6"
17'-6"	18'-6"
17'-0"	16'-0"
16'-6"	13'-0"
16'-0"	13'-0"
15'-6"	9'-0"
15'-0"	

197 ÷ 14 = 14'-1" Avg Height



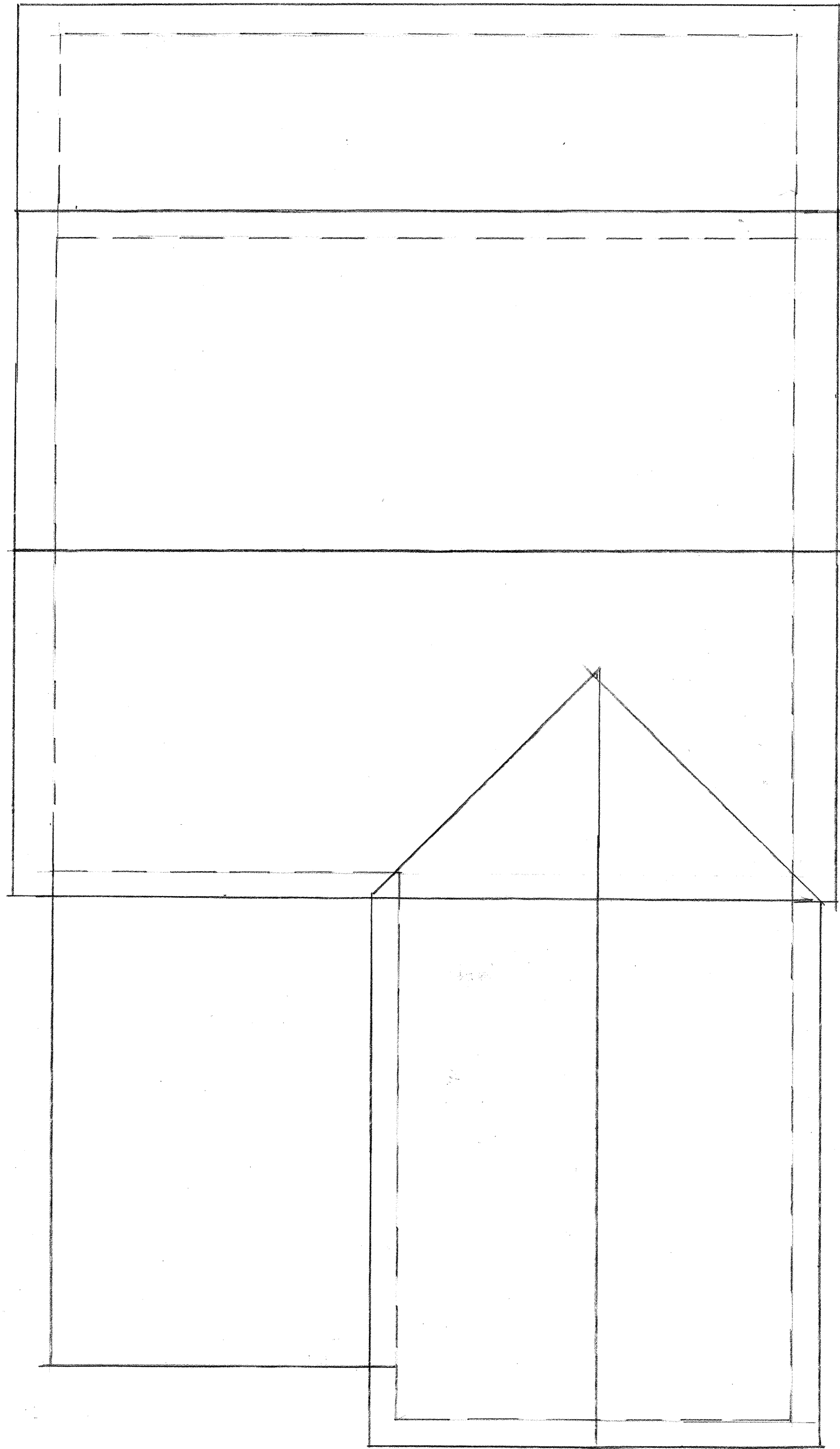
FIRST FLOOR PLAN
1/4" = 1'-0"

13 East Nelson Avenue
Alexandria, Virginia

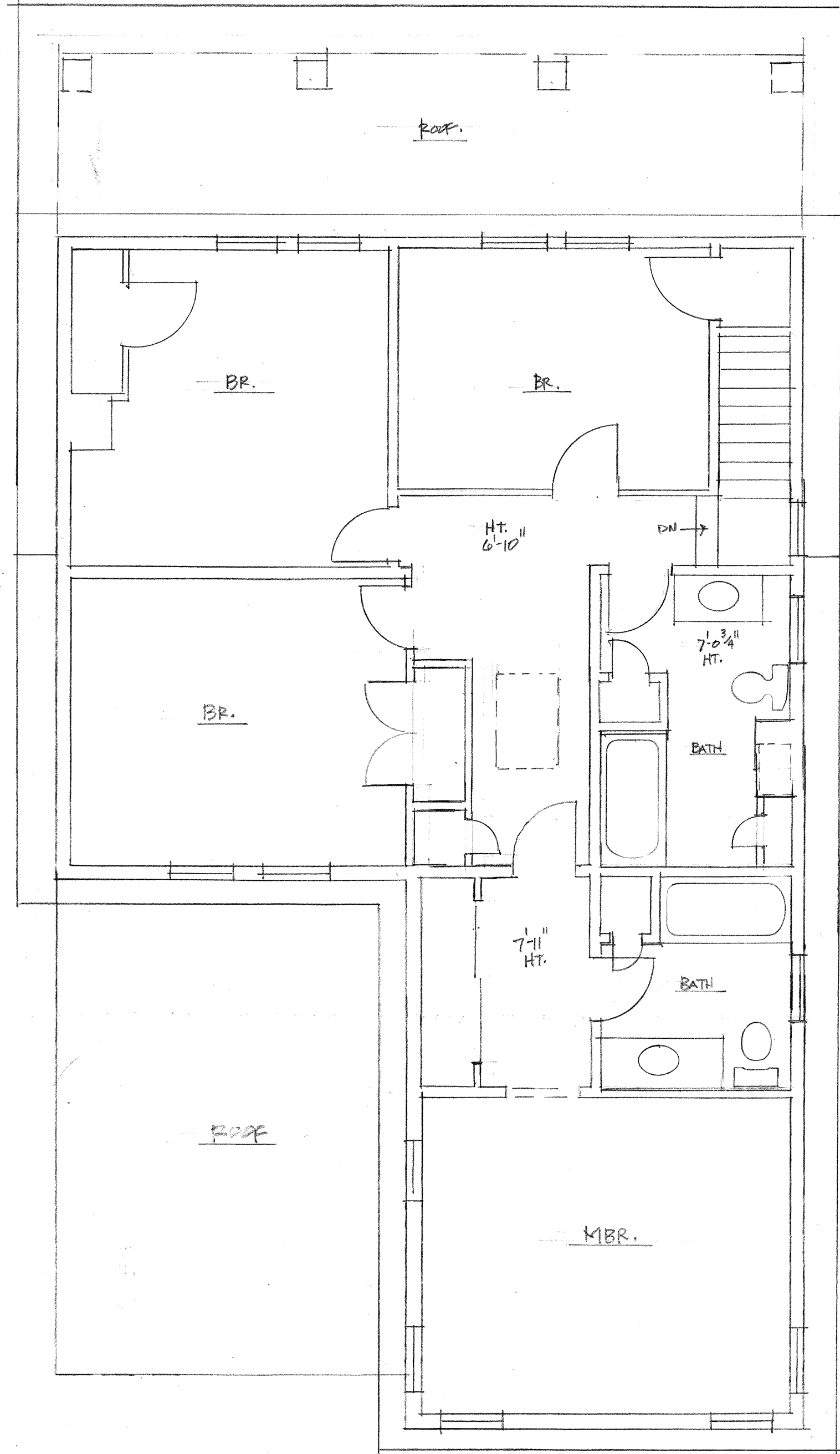
CAVER NICHOLS ARCHITECT
1300 EAST NELSON AVENUE
ALEXANDRIA, VA 22304
TEL: 703-835-1100
WWW.CAVERNICHOLS.COM

FLOOR PLANS & ELEVATIONS
1/4/11/11
4/25/13 Rev. 5/10/13 B.S.A.

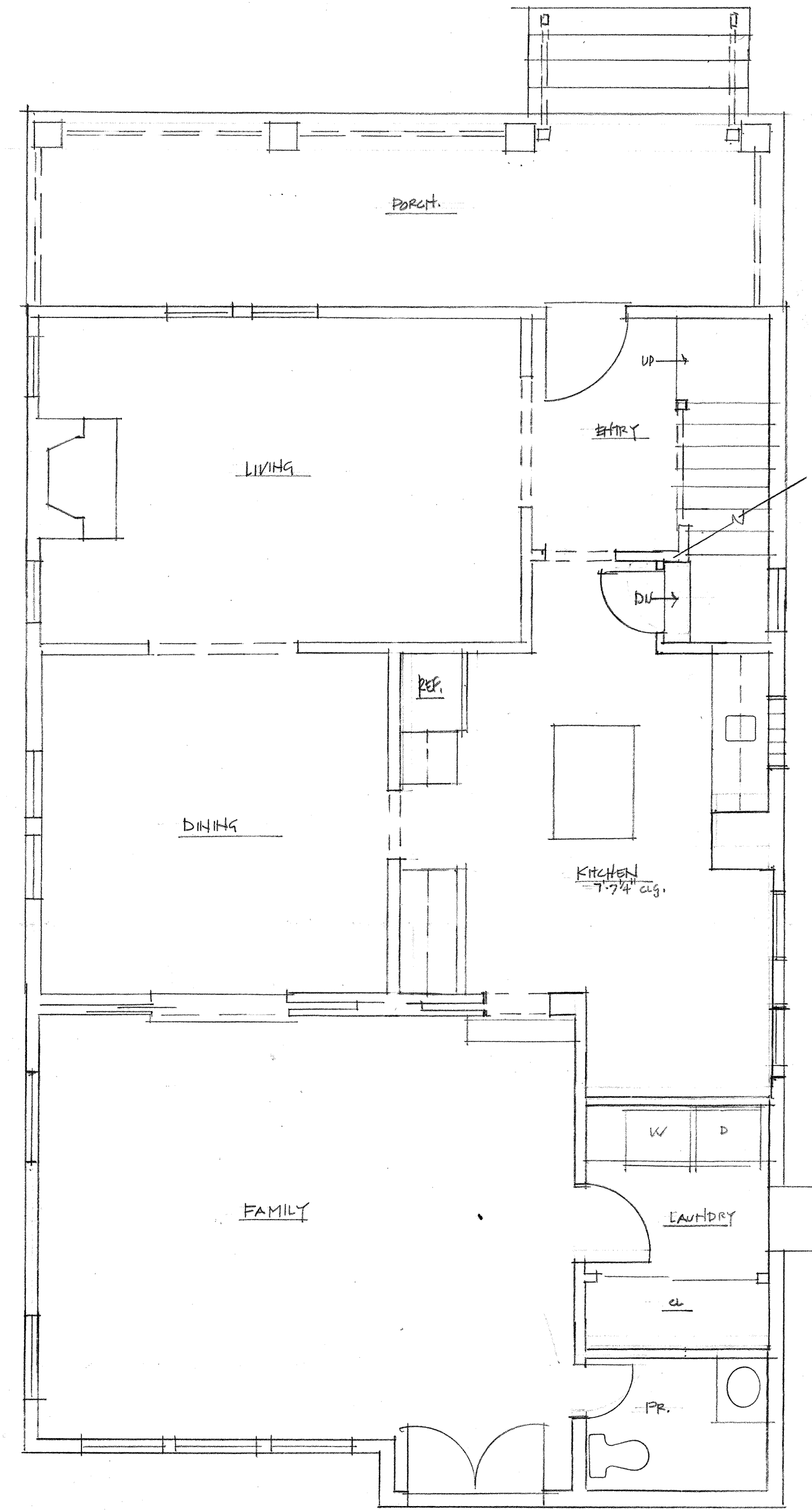
AI



ROOF PLAN
1/4" = 1'-0"



SECOND FLOOR PLAN
1/4" = 1'-0" (EXISTING)



FIRST FLOOR PLAN
1/4" = 1'-0" (EXISTING)

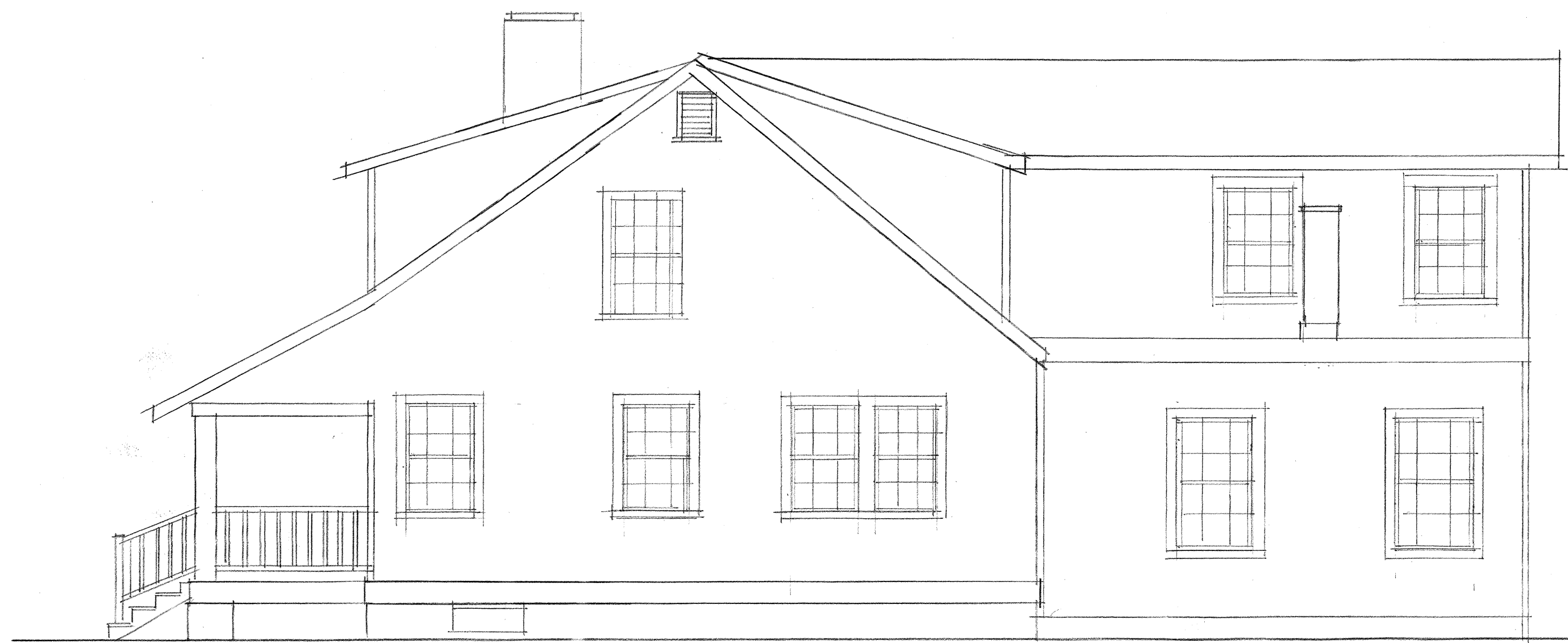
Ec1

EXISTING CONDITIONS
FLOOR PLANS
1/4" = 1'-0"
4/25/13

GAVERS
NICHOLS
ARCHITECT
1000 N. GARDEN ST. SUITE 100
ALEXANDRIA, VA 22304

OWNER: GAVERS NICHOLS ARCHITECT
THIS PLAN AND ANY OTHER INFORMATION CONTAINED HEREIN IS THE PROPERTY OF GAVERS NICHOLS ARCHITECT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION AND SIGNATURE OF THE ARCHITECT.

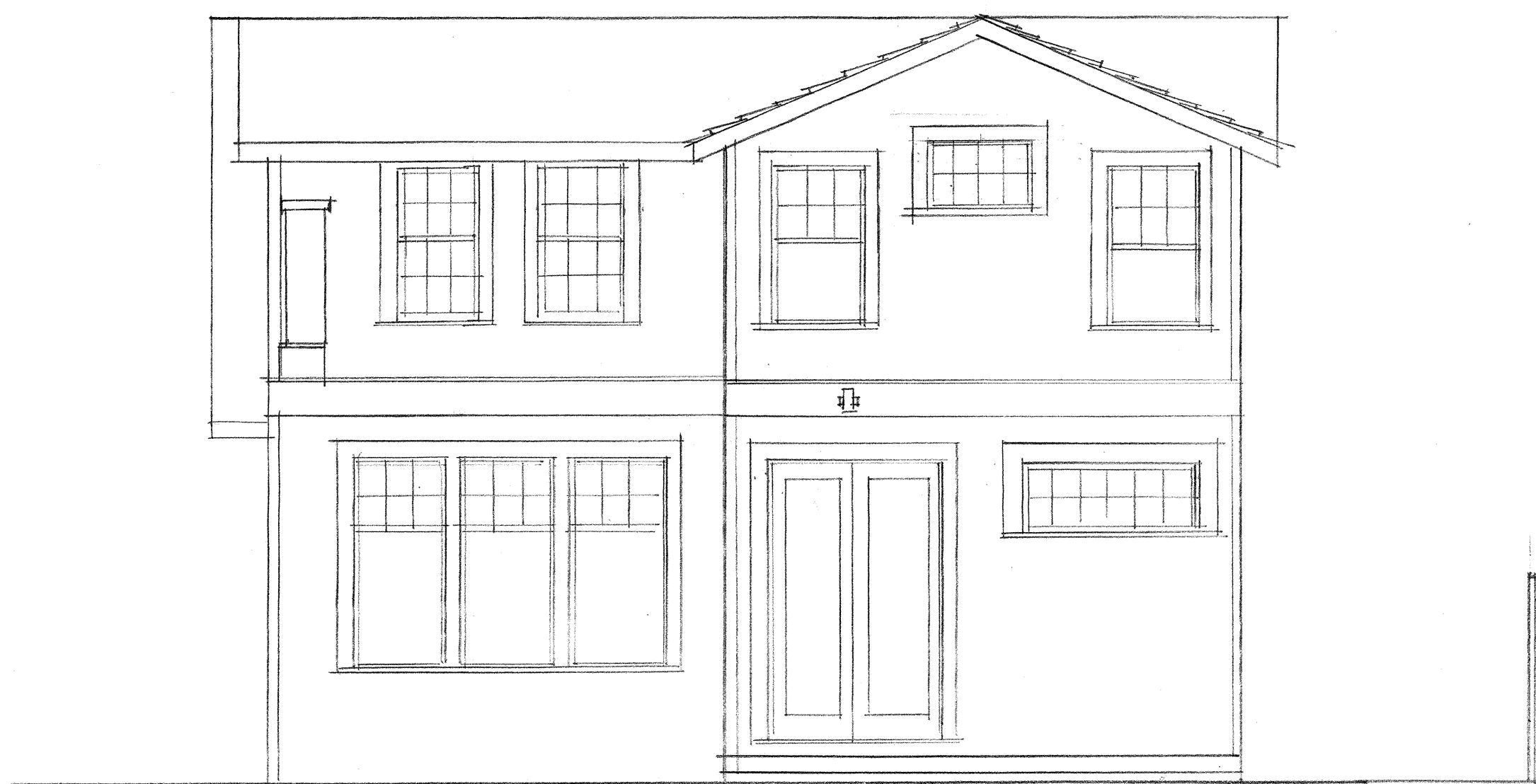
13 East Nelson Avenue
Alexandria, Virginia



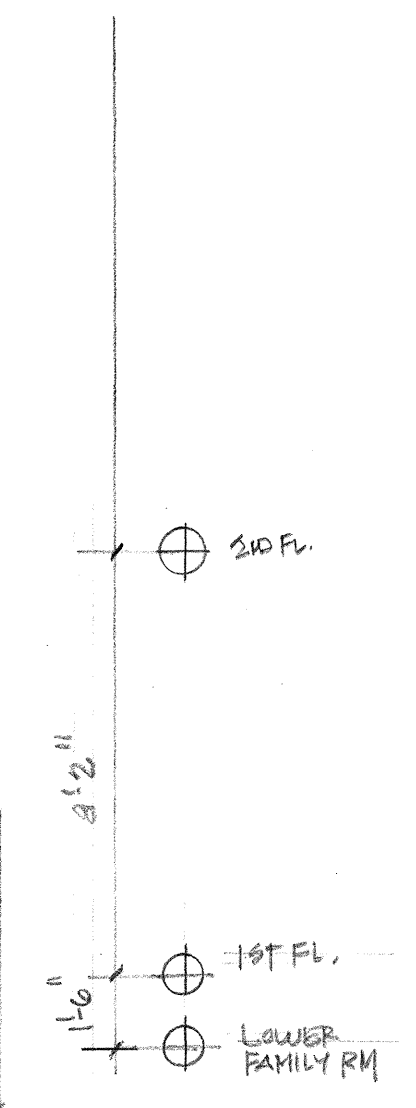
WEST ELEVATION
1/4" = 1'-0"



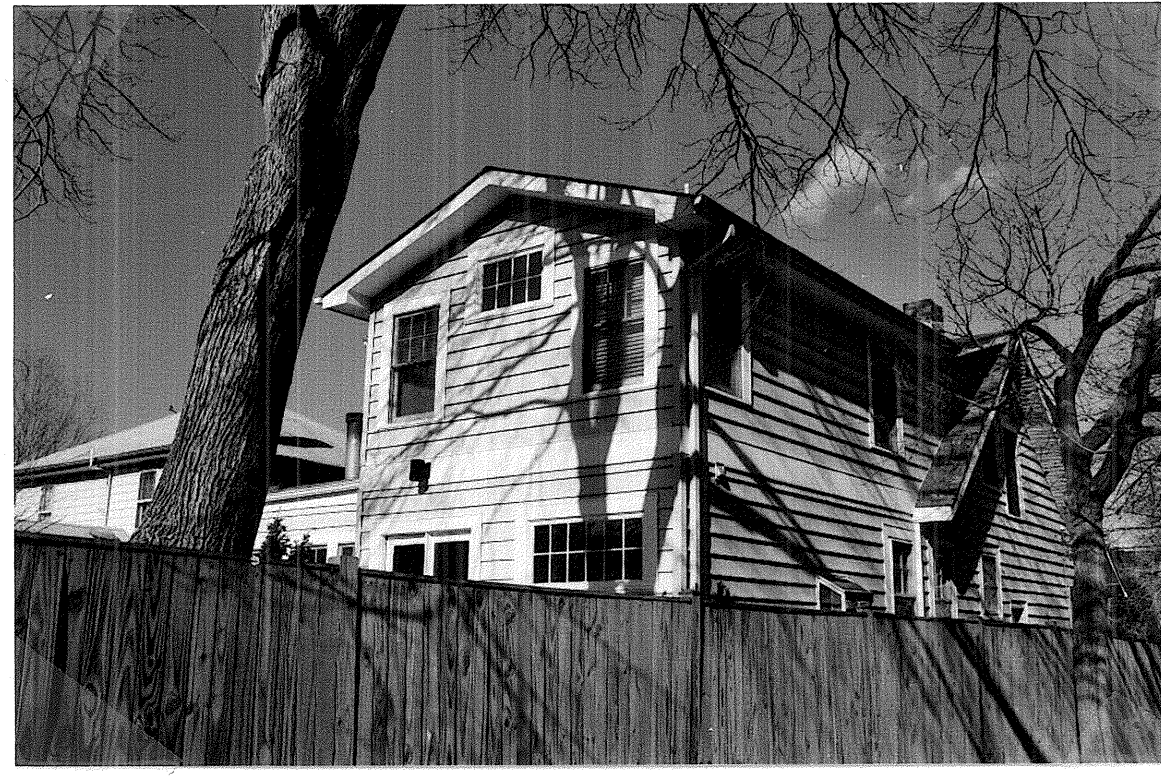
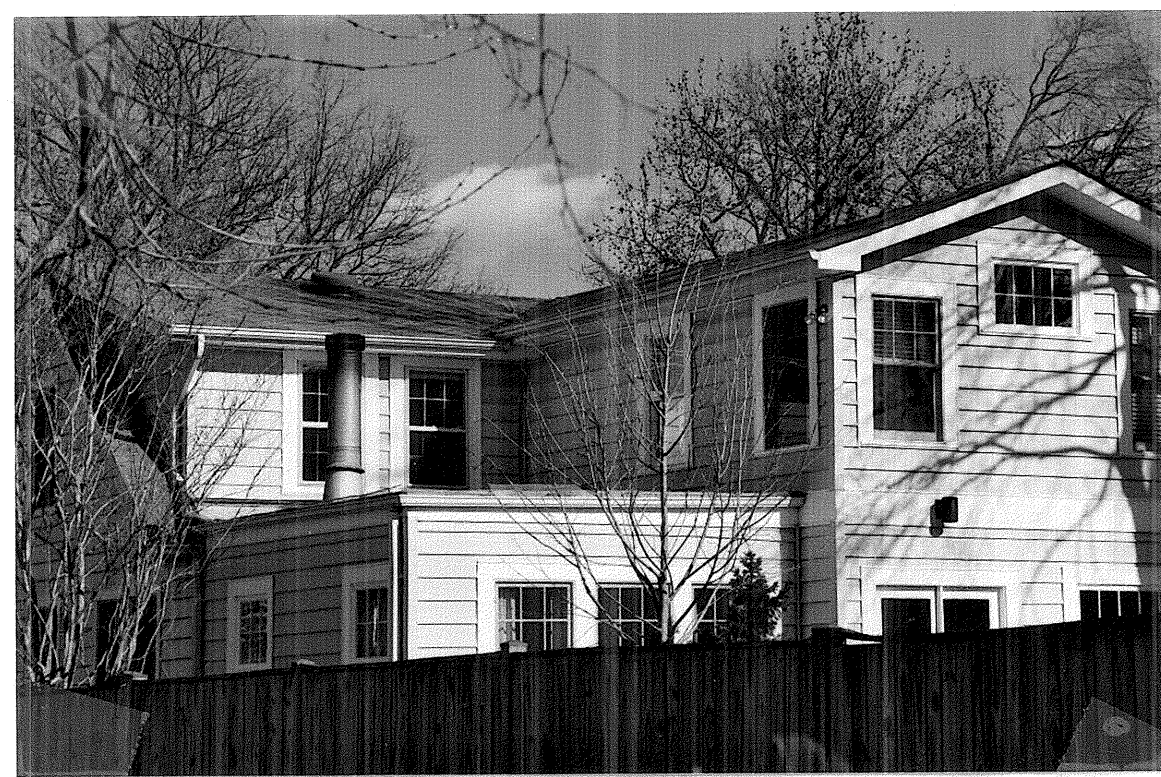
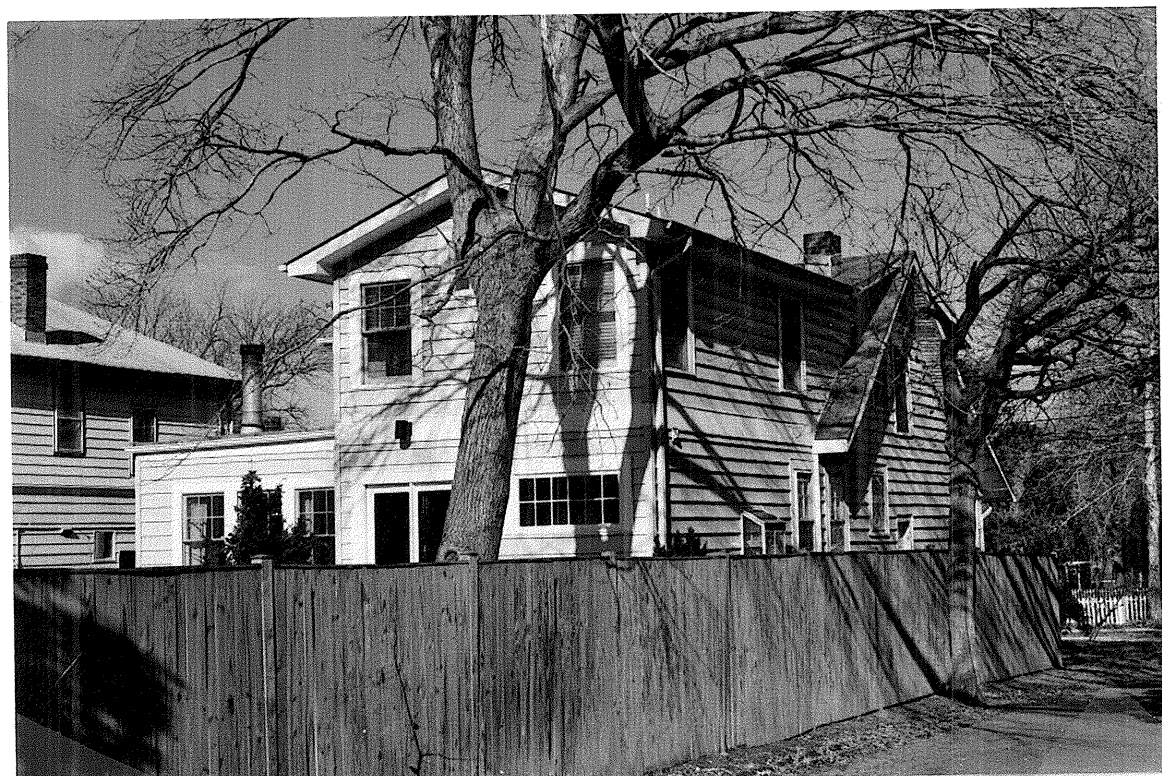
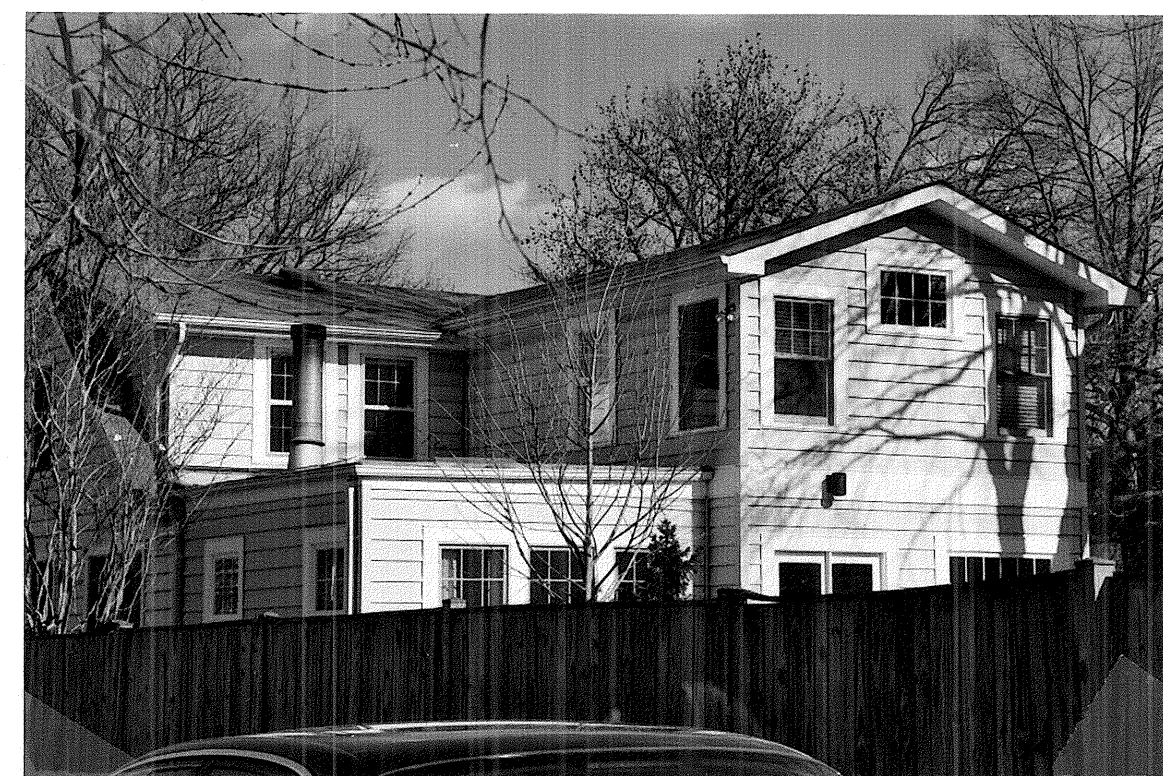
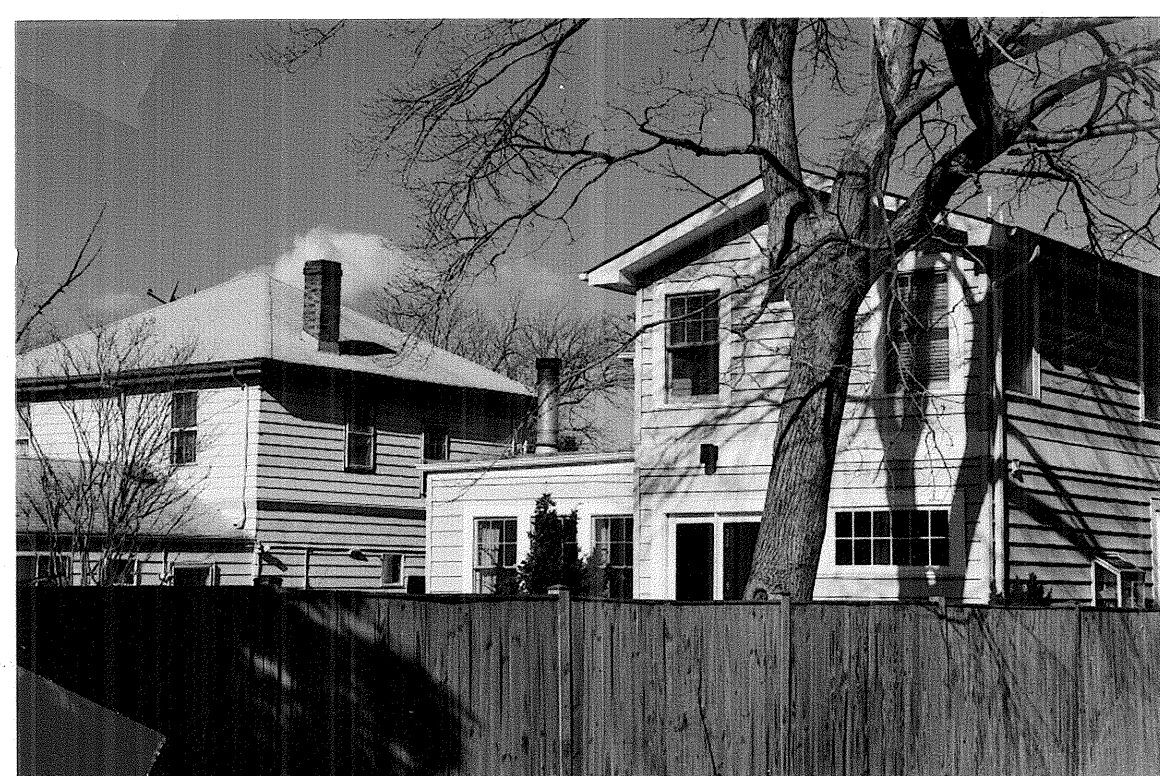
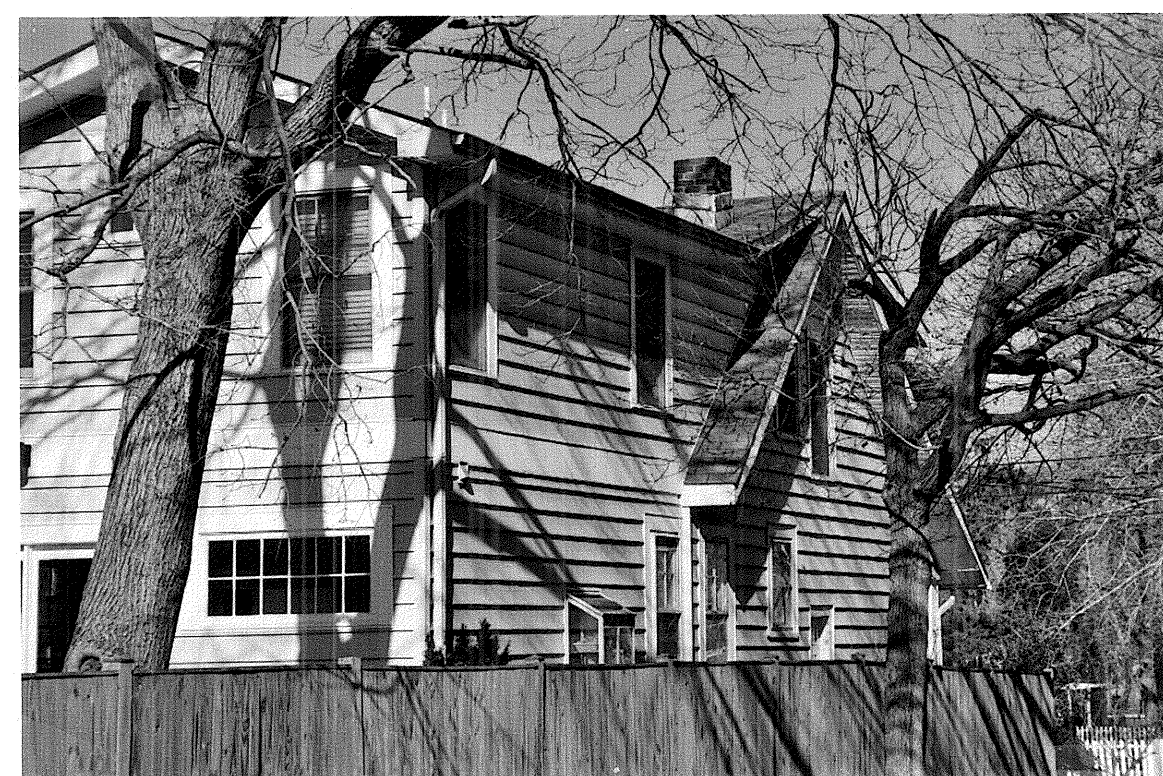
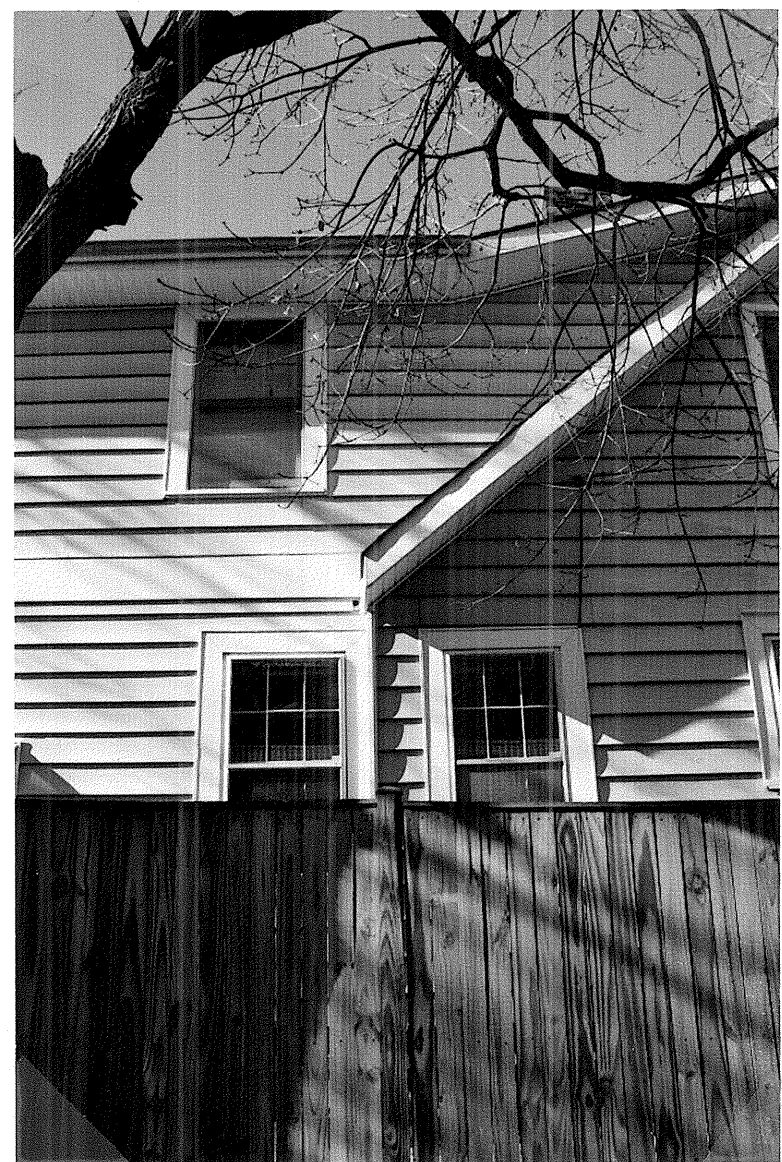
NORTH ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



Ec3

EXISTING CONDITIONS
PHOTOGRAPHS

4/25/18

GAVLER
NICHOLS
ARCHITECT
1100 N. 1ST ST. SUITE 100
ALEXANDRIA, VA 22304

EXISTING CONDITIONS PHOTOGRAPHS
BY GAVLER NICHOLS ARCHITECT
DATE: 4/25/18
PROJECT: 13 EAST NELSON AVENUE
ALEXANDRIA, VA
PHOTOGRAPHS FOR ARCHITECTURAL RECORDS
AND ASSET MANAGEMENT

13 East Nelson Avenue

Alexandria, Virginia