Docket Item #2 BZA #2022-00007 Board of Zoning Appeals May 9, 2022

ADDRESS:305 EAST BELLEFONTE AVENUEZONE:R-2-5/RESIDENTIAL SINGLE AND TWO-FAMILYAPPLICANT:DAVID SCAVONE

ISSUE: Special exception to alter a detached accessory building for use as an accessory dwelling.

CODE SECTION	SUBJECT	ZONING REQUIREMENT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-203(C)(1)	Size	500 Sq. Ft. (Maximum first floor	722.50 Sq. Ft. area)	222.50 Ft.
7-203(C)(3)	Side Yard	3.00 Ft.	0.20 Ft.	2.80 Ft.
	Rear Yard	1.00 Ft.	0.50 Ft.	0.50 Ft.

Staff <u>recommends approval</u> of the request because it meets the required special exception standards.

The applicant shall record the special exception approval with the subject property's deed in the City's Land Records Office prior to release of the building permit.



I. <u>Issue</u>

The applicant, David Scavone, proposes conversion of an existing detached accessory building to an accessory dwelling. The accessory building would not be expanded. The existing accessory building does not comply with size limitation nor the required side and rear yards for accessory dwellings. The applicant requests a special exception from the maximum size limitation and the side and rear yard requirements for an accessory dwelling located within the existing detached accessory building.

II. <u>Background</u>

The subject property is a lot of record with 71.18 feet of frontage along East Bellefonte Avenue. It has a lot size of 9,379 square feet. Multifamily, two-family and single-family dwellings surround the subject property. A single-family dwelling, constructed circa 1925 occupies the subject property. The accessory building, shown in figure 1, below, also occupies the southwest corner of the subject property. City records, including aerial imagery, indicate that an accessory building has existed in this location since at least 1937.



Figure 1 – Existing Accessory Building

The existing two-story accessory building measures 17.00 by 35.500 feet and provides a west side and rear yard of 0.20 and 0.50 feet, respectively. Its net floor area measures 722.50 square feet. The existing dwelling contains approximately 722.50 square feet of net floor area. The following table provides a summary of all applicable zoning regulations as they pertain to the subject property and the accessory building:

	Required/Permitted	Existing	Proposed
Lot Size	5,000 Sq. Ft.	9,379 Sq. Ft.	No change
Lot Width	50.00 Ft.	71.78 Ft.	No change
Lot Frontage	40.00 Ft.	71.78 Ft.	No change
Side Yard (West)	3.00 Ft.	0.20 Ft.	No change
Rear Yard	1.00 Ft.	0.50 Ft.	No change
Height	20.00 Ft.	15.30 Ft.	No change
Maximum Net Floor Area of First Floor	500 Sq. Ft.	722.50 Sq. Ft.	No change
Maximum gross square feet of accessory building	1,679 Sq. Ft.	722.50 Sq. Ft.	No change
Floor Area (entire property)	4,221 Sq. Ft. 0.45 FAR	3,100 Sq. Ft 0.33 FAR.	2,500 Sq. Ft.* 0.27 FAR

*Includes 600 square-foot exclusion for accessory dwelling

III. <u>Description</u>

The applicant proposes to convert the existing accessory building to an accessory dwelling. No expansion of the building is proposed. As an accessory dwelling, the accessory building would be required to provide side and rear yards of 3.00 and 1.00 feet, respectively and its first-floor net floor area could not exceed 500 square feet. The existing accessory building exceeds this size limit and is located within the required side and rear yards.

The proposal would comply with all other applicable zoning regulations.

IV. Noncomplying Structure

The existing accessory building is a noncomplying structure with regard to the following:

	<u>Required</u>	Provided	Noncompliance
Side Yard (West)	7.00 Ft.	0.20 Ft.	6.80 Ft.
Rear Yard	7.00 Ft.	0.50 Ft.	6.50 Ft.

V. <u>Master Plan/Zoning</u>

The subject property has been zoned R-2-5/Residential Single and Two-Family since adoption of the Third Revised Zoning Map in 1951. The Potomac West Small Area Plan identifies the property for residential land use.

VI. <u>Requested Special Exception</u>

7-203(C)(1) - Size

The Zoning Ordinance establishes the maximum floor area of an accessory building, containing an accessory dwelling, to 500 square feet for lots 2,500 square feet or larger. The floor area of the existing accessory building's first floor is 722.50 square feet. The applicant requests an exception of 222.50 square feet from the maximum size limit.

<u>7-203(C)(3)(b) – Side yard (west)</u>

The Zoning Ordinance requires an accessory building containing an accessory dwelling with a window that faces the nearest side lot line to provide a setback of at least three feet. The existing accessory building provides a west south side yard of 0.20 feet. The applicant requests an exception of 2.80 feet from the side yard requirement.

7-203(C)(3)(a) - Rear yard

The Zoning Ordinance requires an accessory building containing an accessory dwelling to provide a setback of at least one foot. The existing accessory building provides a rear yard of 0.50 feet. The applicant requests an exception of 0.50 feet from the rear yard requirement.

VII. Special Exception Standards

Per Zoning Ordinance section 11-1304, the Board of Zoning Appeals "must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed." Section 11-1304 also states that the Board of Zoning Appeals "shall consider and weigh the following issues, as applicable:"

1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.

The applicant has not proposed any expansion to the existing accessory building so there would be no impact to the public welfare, to the neighborhood or to the adjacent properties. The accessory building is located in the subject property's southwest corner. This corner is adjacent to the multifamily property next door. Specifically, this corner is surrounded by the multifamily property's off-street parking lot, see figure two, below.



Figure 2 - Location of accessory building

Because the accessory building is surrounded by the parking lot, the use of the building as an accessory dwelling would not have an impact on adjacent neighbors. Further, the proposed accessory dwelling must comply with the use limitations established by Zoning Ordinance section 7-203(B). Compliance with this section would ensure that the use would not cause detriment to public welfare, the neighborhood or 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.

Approval of the special exception would not impact light and air supply to adjacent properties as the accessory building currently exists and would not be expanded. Any additional off-street parking needs associated with the use of the building as an accessory dwelling could be accommodated in the applicant's existing driveway and would not increase traffic congestion. The applicant would be required to comply with current building and fire codes so it would not increase the danger of fire or the spread of fire. There would be no impact to public safety.

3) Whether approval of the special exception will alter the essential character of the area or zone.

The proposed use of the building as an accessory dwelling would not alter the essential character of the area or zone. The subject property is adjacent to many properties with high residential densities including multifamily condo buildings to the west and south. Two-family semi-detached dwellings also occupy much of the south side of East Bellefonte Avenue.

4) Whether the proposal will be compatible with the development in the surrounding neighborhood.

The proposal would not include any expansion to the existing accessory building that would affect compatibility with surrounding development.

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.

The existing location of the accessory building represents the only reasonable location on the lot to accommodate a detached accessory dwelling unit. The only alternative would include demolition and reconstruction of a smaller accessory building that met the size limitation and provided the required side and rear yards. This would not be a reasonable means to accommodate a proposed accessory dwelling.

VIII. Staff Conclusion

As outlined above, staff recommends approval of the requested special exception as it would meet the standards and criteria as outlined within the Zoning Ordinance. The approval would be subject to compliance with all applicable code requirements, ordinances and recommended conditions found in the departmental comments of this report.

<u>Staff</u>

Sam Shelby, Urban Planner, <u>sam.shelby@alexandriava.gov</u> Mary Christesen, Zoning Manager, <u>mary.christesen@alexandriava.gov</u> Tony LaColla, AICP, Division Chief, <u>Anthony.lacolla@alexandriava.gov</u>

DEPARTMENTAL COMMENTS

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

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

Transportation and Environmental Services:

- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition, if a separate demolition permit is required. (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 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)
- F-1 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)
- F-2 If the alley located at the rear of the parcel is to be used at any point of the construction process the following will be required:
 <u>For a Public Alley</u> The applicant shall contact T&ES, Construction Permitting & Inspections at (703) 746-4035 to discuss any permits and accommodation requirements that will be required.
 <u>For a Private Alley</u> The applicant must provide proof, in the form of an affidavit at a minimum, from owner of the alley granting permission of use. (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 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 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

C-6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)

Code Administration:

C-1 No comments.

Recreation (City Arborist):

C-1 Proposal will not impact any publicly owned trees.

Historic Alexandria (Archaeology):

F-1 No archaeology oversight necessary for this undertaking.

Other requirements brought the applicant's attention if the Board approves the requested variance:

C-1 The special exception must be recorded with the property's deed in the City's Land Records Office prior to the release of the building permit. (P&Z)



APPLICATION DEPARTMENT OF PLANNING AND ZONING

EFARMENT OF PLANNING AND ZONING

ACCESSORY DWELLING UNIT (ADU)

APPLICANT INFORMATION

NAME: DAVID SCANONE

ADDRESS: 305 E BEILEFONTE AUE.

PHONE: 571-271-1337

EMAIL: dave scavore @ comcast. net

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 approval granted taken by the City 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 Zoning Ordinance, on the property which is the subject of this application.



I affirm that I, the applicant, shall not allow more than three persons to reside in the accessory dwelling unit (ADU).

\checkmark	Yes	No
V	Yes	No

I affirm that I, the applicant, shall maintain the property as my primary residence at the time the accessory dwelling unit (ADU) permit is issued.



I affirm that I, the applicant, shall not allow the accessory dwelling unit (ADU) to be a short-term rental, as defined by City Code section 3-2-152(a)(2), for a period exceeding 120 days per calendar year.

Signature:

5 alml

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.



APPLICATION BOARD OF ZONING APPEALS

SPECIAL EXCEPTION FOR ADDITIONS

Section of zoning ordinance from which request for special exception is made:

<u>PART</u> 1.	Applicant: ☐Owner ☐Contract Purchaser √/Agent
	Name David Scavone
	Address 305 E Bellefonte Ave.
	Alexandria, VA 22301
	Daytime Phone 571.271.1337
	Email Address daves cavone @, comcast.net
2.	Property Location 305 E Belleforte Ave
3.	Assessment Map # 034.04 Block 11. Lot 09 Zone R2-5
4.	Legal Property Owner Name David Scavone
	Address 305 E Bellefonte Ave
	Moxandmin, VA 22-301

Describe request briefly: 5.

Convert an existing 6045. f. garage Apartment into An ADU. The existing garage is 6045. F. and there would be no additionals. F. Added. The garage apartment predates the current owner's purchase of the property in 1995. The unit has been used for becades as an apartment with ining noom, bednoom and batheron.

If the property owner or applicant is being represented by an authorized agent, 6.

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:

Signature 10-Telephone

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.

BZA Case #

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.
 - The garage apartment predates the current owner's purchase of the hone in 1995. The unit has been used for decades as an apartment with living noom, bednoom And second story loft storage AneA. With this special exception, the owner would Add A Kitchenette and rent out the one bednoom Apartment or use for family rembors.
- 2. Explain if the special exception, if granted, will harm adjoining properties or impact the neighborhood in any way.
 - There is No change in the existing structure extension. The change would allow for the owner to have A tenant which could add one car but there is A long driveway for parking.
- 3. Explain how the proposed addition will affect the light and air to any

No changes to existing extension structure.

BZA Case # ____

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

There is No Addition proposed. Structure is existing.

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

Same as Above

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

Same as above

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.

No neighbors have objected to the special exception

OWNERSHIP AND DISCLOSURE STATEMENT Use additional sheets if necessary

<u>1. Applicant.</u> 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 three 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
" David Scanone	305 E Bellefortede	100100
2.		
3.	-	

<u>2. Property.</u> State the name, address and percent of ownership of any person or entity owning an interest in the property located at <u> $305 \pm Bellefonte Auelle}(address)$, unless the entity is a corporation or partnership, in which case identify each owner of more than three 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.</u>

Name	Address	Percent of Ownership
DAVID SCAUONE	305 E Bellefonte Ave,	1007.
2.		
3.		
0.		

3. BusinessorFinancialRelationships. 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 the12-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. NOWE 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.

Mary Denby Printed Name



Department of Planning and Zoning Floor Area Ratio and Open Space Calculations for Single and Two-Family Residential Outside Historic Districts

A1. 305 Street Address	E Bellefon	te Ave		P Zor	2-5		
12. 9,379 Total Lot Area		× 0.45 Floor Area Ratio Al	lowed by Zone	= 4,	a 220 imum Allowable Floor Area		
8. Existing Gro Existing Gross		Allowable Exclus	sions**				
Basement	936	Basement**	936	B1.	3,755	Sq. F	
First Floor	1,012	Stairways**	78		Existing Gross Floor Area*	04.1	
Second Floor	936	Mechanical**		B2.		Sq. I	
Third Floor		Attic less than 7'**			Allowable Floor Exclusions**		
Attic		Porches**		B3.			
Porches	267	Balcony/Deck**					
Balcony/Deck		Garage**		Cor			
Garage	604	Other***					
Other***		Other***					
1. <u>Total Gross</u>	3,755	B2. Total Exclusions	1,014				
Proposed Gr		Allowable Exclus	ions**				
Basement	Ö	Basement**	-	C1.	0.00	Sq. F	
First Floor	0	Stairways**	-		Proposed Gross Floor Area*		
Second Floor	0	Mechanical**	-	C2.	0.00	Sq. F	
	0	Attic less than 7'**	-		Allowable Floor Exclusions**		
Third Floor	0			C3.	0.00		
Third Floor Attic	Ð	Porches**	~			Sq. F	
		Porches** Balcony/Deck**	-		Proposed Floor Area Minus Ex (subtract C2 from C1)	Sq. F kclusions	
Attic	Ð		1 1 5		Proposed Floor Area Minus Ex	Sq. F clusions	

Notes

*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 of 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. Sections may also be required for some exclusions.

*** Refer to the Zoning Ordinance (Section 2-145(A)) and consult with Zoning Staff for additional allowable exclusions. Additional exclusions may include space under balconies, retractable awnings, etc.

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

E. Open Space (RA & RB Zones)

Existing Open Space

Required Open Space

Proposed Open Space

Sq. Ft.

Sq. Ft.

Sq. Ft.

Other***

E1.

E2.

E3.

C2. Total Exclusions 0.00

Signature:

Other***

C1. Total Gross

D1. 2,741

D2. 4,220

by Zone (A2)

D. Total Floor Area

Total Floor Area (add B3 and C3)

Total Floor Area Allowed

0.00

Sq. Ft.

Sq. Ft.

Date:

DRAFT FOR PROPERTY OWNER'S NOTICE

Scavone Board of Zoning Appeals

Special Exception for Additions to convert existing garage apartment into ADU

305 E Bellefonte Ave., Alexandria, VA 22301

Description:

We are proposing to convert an existing 604 s.f. garage apartment into an ADU. The existing garage is 604 s.f. and there would be no additional s.f. added to the garage building.

The garage apartment predates the current owners' purchase of the property in 1995. The unit has been used for decades as an apartment with living room, bedroom, bathroom and second story loft storage area. This application is a request to formally deem the unit as an ADU. With zoning approval, the owner would add a kitchenette to the space and rent the space out with a traditional yearly lease tenant or use the space for a family member. Occupancy limit of the new ADU would be two people.



2021 City of Alexandria Business License

Finance Department, Revenue Administration Division, City of Alexandria 301 King Street, Room 1700, Alexandria, VA 22314 Phone: 703.746.4800 http://www.alexandriava.gov/

138165-2021
138165
2021
MHD Builds, LLC
MHD Builds, LLC
108 RANDOLPH AV Alexandria, VA 22301

License Classification(s):

Contractors 9-079-009 Other Contractors & Contracting

MHD Builds, LLC 108 RANDOLPH AV Alexandria, VA 22301

March 26, 2021

Dear Taxpayer:

This is your 2021 City of Alexandria Business License. The bottom portion of this page is perforated to allow you to tear off and post the business license in your establishment.

If you paid for your business license via check, please be aware that if your check is not honored by your financial institution, this business license shall be invalid.

As with all taxes, our goal is to administer Business License taxes fairly and in accordance with Commonwealth and Locality code. Our staff strives to provide professional assistance and quality customer service. Your satisfaction is important to us and your comments are always welcome.

If you have any questions regarding this letter, please visit http://www.alexandriava.gov/ or contact my office via phone at 703.746.4800.

Finance Department, Revenue Administration Division, City of Alexandria

Keep this letter for your records.

City of Alexandria Business License



Revenue Administration Division, City of Alexandria, 301 King Street, Room 1700, Alexandria, VA 22314

This license has been issued by the Revenue Administration Division of the City of Alexandria and is granted to:

MHD Builds, LLC 108 RANDOLPH AV Alexandria, VA 22301 Account Number: Tax Period: Business Name: Trade Name: Business Location:

License Number:

138165-2021 138165 2021 MHD Builds, LLC MHD Builds, LLC 108 RANDOLPH AV Alexandria, VA 22301

License Classification(s): Contractors 9-079-009 Other Contractors & Contracting

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Scavone ADU

305 E Bellefonte Ave., Alexandria, VA 22301

Description:

We are proposing to convert an existing 604 s.f. garage apartment into an ADU. The existing garage is 604 s.f. and there would be no additional s.f. added to the garage building.

The garage apartment predates the current owners' purchase of the property in 1995. The unit has been used for decades as an apartment with living room, bedroom, bathroom and second story loft storage area. This application is a request to formally deem the unit as an ADU. With zoning approval, the owner would add a kitchenette to the space.



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NEW FIRE RATED WINDOW











305 E BELLEFONTE AVE. EXISTING GARAGE APARTMENT PHOTOS





NORTH ELEVATION

SOUTH ELEVATION

305 E BELLEFONTE AVE. EXISTING GARAGE APARTMENT PHOTOS



EAST ELEVATION



WEST ELEVATION