Docket Item #3 BZA Case #2016-0015

Board of Zoning Appeals November 10, 2016

# ADDRESS:211 ASHBY STREETZONE:R 2-5/RESIDENTIAL SINGLE-AND-TWO-FAMILYAPPLICANT:NATHAN AND CHRISTINA SUPINSKI, REPRESENTED BY<br/>DUNCAN BLAIR, ATTORNEY

**ISSUE:** Special exception to expand a noncomplying front wall in the required front yard.

EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-2503(A)	Front Yard (North)	24.12 feet*	21.83 feet	2.29 feet

\*based on average front yard setback to property line along Ashby Street between East Glebe Road and Wilson Avenue

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, 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.



#### I. <u>Issue</u>

The applicants propose a second story addition to their one-and-a-half story dwelling at 211 Ashby Street. The proposed addition would be above the existing footprint of the

dwelling, which is located in the required north front yard. The second-story addition would increase the height of the plane established by the non-complying first floor wall. Increasing the height of this non-complying wall requires special exception approval.

#### II. Background

The subject property is an interior lot of record. It has 50.00 feet of frontage facing Ashby Street, a depth of 140.63 feet along the west side property line and 137.87 feet along the east side property line. The property contains 6,957 square feet of lot area.



The property contains a one-and-a-half-story bungalow style dwelling located 21.83 feet from the front property line facing Ashby Street. Real Estate assessment records indicate the dwelling was constructed around 1925. The property is located in the Town of Potomac Historic District.

#### III. <u>Description</u>

The applicants propose to construct a second story addition over the existing first floor footprint. The existing footprint contains a non-complying building wall located 21.83 feet from the north front property line and complying west and east side walls located 13.50 feet from the west side property line and 8.30 feet from the east side property line. The first floor walls would be repaired or replaced in their same location to support the second-story structure. The height of the proposed addition measures 25.00 feet to the midpoint of the gabled roof from average finished grade. The applicant proposes no change to existing grade. The height of the eaves that face the east and west side yards would measure 18.9 feet and 20.3 feet from the average finished grade along each respective side of the dwelling. There is also an existing non-complying front porch located 15.40 feet from the front property line. The applicants propose to repair or replace the front porch with the same footprint as existing.

The proposed second-story addition would accommodate four bedrooms, two bathrooms and closets and would increase the height of the existing non-complying structure. Special exception approval is required to increase the height of the reconstructed front building wall in the required front yard; 21.83 feet front the front property line. Upon completion of the work, the proposed structure would comply with all other applicable zoning regulations including overall height, floor area ratio, side and rear setbacks. There have been no variances or special exceptions previously granted for the subject property.

R2-5 Zone	<b>Required/Permitted</b>	Existing	Proposed
Lot Area	5,000 Sq. Ft.	6,957 Sq. Ft.	6,957 Sq. Ft.
Lot Width	50 Ft.	50.00 Ft.	50.00 Ft.
Lot Frontage	40 Ft.	50.00 Ft.	50.00 Ft.
		21.83 Ft.	21.83 Ft.
Front Yard	24.12 Ft.	(Building Wall)	(Building Wall)
(North)	(Average Prevailing)	15.40 Ft.	15.40 Ft.
		(Front Porch)	(Front Porch)
Side Yard (West)	1:3 with 7' min.	13.50 Ft.	13.50 Ft.
Side Yard (East)	1:3 with 7' min.	8.30 Ft.	8.30 Ft.
Rear Yard (South)	1:1 with 7' min.	89.00 Ft.	89.00 Ft.
<b>Building Height</b>	25.00 Ft.	20.67 Ft.	25.00 Ft.
Net FAR	3,130.7 Sq. Ft. (.45)	1,541 Sq. Ft.	2,123 Sq. Ft.

#### IV. <u>Master Plan/Zoning</u>

The subject property is zoned R2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951. The site is identified for residential land use in the Potomac West Small Area Plan.

#### V. <u>Requested Special Exception</u>

7-2503(A) Front Yard (North)

The applicants request a special exception of 2.29 feet from the required minimum 24.12 foot front yard setback to construct a second story addition in line with the existing first floor non-complying north building wall.

#### VI. Noncomplying Structure/ Substandard Lot

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

Requirement	<u>Required</u>	<u>Existing</u>	Noncompliance
Front Yard (North)	24.12 Ft.	21.83 Ft.*	2.29 Ft.
*front building wall			
Front Yard (North)	24.12 Ft.	15.40 Ft.*	8.72 Ft.
*open front porch			

#### VII. Special Exception Standards

Per Section 11-1304 of the zoning ordinance, 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.

There are several two-story dwellings along Ashby Street and in the surrounding neighborhood that are similarly situated to the subject property. The increased height of the non-complying front building wall would have little impact on adjacent properties to the east and west. The proposed addition would provide side yard setbacks in excess of the minimum for the R2-5 zone. Further, adjacent property owners submitted statements in support of the proposed addition.

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.

Because the proposed second story addition would replace a second story shed dormer with no change to the existing building footprint, the supply of light and air to the properties to the east and west would not be impaired. There would be no expected impacts to traffic or public safety.

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

The Town of Potomac National Register Historic District currently lists six bungalow style houses along Ashby Street. Of these, five have been given contributing status, including the subject property, and one has been listed as noncontributing. Contributing status is given to structures with historical integrity or architecturally significant features.

The proposed design would significantly alter the massing and character of the existing bungalow style dwelling, however, the proposed design contains many features that are similar to the American Foursquare form as described by the Del Ray Residential Pattern Book. As noted in the pattern book, this design form is quite common in Del Ray and the R2-5 zone. Further, the proposed construction is similar in scale (height and mass) to many other two-story structures in the area.

The proposal also maintains a "signature" Del Ray/R2-5 zone lot configuration.

"In spite of change, the area retains the ambience of an earlier, simpler time. ... Residential streets look much as they did many years ago with their characteristic large shade trees, big backyards, and 15foot setbacks."

From Del Ray Pattern Book, Excerpt from: "Styles of Del Ray – Its Houses and Buildings 1894-1994," prepared for the Del Ray Centennial Multiple Authors: Esherich, King, Peters, Philos, Temple, Lyman, Bremmer and Goris Communications

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

The proposed construction would maintain consistency in terms of lot configuration with neighboring properties (209, 213, and 215 Ashby Street). These structures are all located along a relatively consistent setback so there would be little visual impact along the immediate blockface. The proposal would also maintain similar rear yard setbacks to the aforementioned properties. From a design perspective, the proposed construction would also be similar in style to other two-story homes 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.

The configuration of the subject property limits where an addition could be constructed in compliance with zoning regulations. Comparably sized alternative additions would reduce open space on the lot and could impair light and air supply to adjacent properties. Increasing the footprint to the rear would reduce the size of the rear yard and would be out of character with adjacent properties which have similarly situated houses with open rear yards.

#### VIII. <u>Staff Conclusion</u>

#### Neighborhood Impact

The surrounding neighborhood contains many homes that have been expanded to include second stories. This second story addition is compatible with the mass and height of other homes in the neighborhood.

#### Light and Air

One-and-a-half and two-story dwellings occupy the properties to the east and west.

The proposed second story addition will be located in line with the existing east and west side building walls. Because the proposed addition would provide side yard setbacks in excess of the minimum for the R2-5 zone it is unlikely that light or air to adjacent properties would be negatively impacted by this addition.

#### Lot Constraints

There is an existing driveway on the west side of the property. Eliminating the driveway to construct a west side addition would reduce off-street parking. An east side addition is not feasible based on the size of that side yard (8.3') since a minimum 7' side yard is required in the R2-5 zone.

#### Alternatives

Possible alternatives have been evaluated that would comply with zoning. A rear addition in the south rear vard was considered. This option would significantly reduce the desirable open space on the lot. A rear addition would also be out of character with adjacent properties along Ashby Street.

#### Staff Conclusion

The proposal would maintain consistency in terms of lot configuration and would be compatible with the scale (height and mass) of structures along Ashby Street and greater Del Ray and the R2-5 zone. Staff believes the application meets the criteria for a special exception and **recommends approval** of the request.

#### STAFF:

Sam Shelby, Urban Planner, Alex Dambach, Division Chief,

sam.shelby@alexandriava.gov Mary Christesen, Zoning Manager, mary.christesen@alexandriava.gov alex.dambach@alexandriava.gov

#### **DEPARTMENTAL COMMENTS**

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

\* The applicant is advised that if the special exception 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. (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 required. Please contact T&ES at 703-746-4064 for additional information on grading plan requirements. (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 A building permit, plan review and inspections are required prior to the start of construction.

Recreation (City Arborist): No comments received.

#### Historic Alexandria (Archaeology):

- R-1 No archaeological action is required.
- F-1 There is low potential for archaeological resources to be present that could provide insight into the history of Alexandria.

#### Board of Architectural Review (BAR):

The BAR Staff comments on special use permits, special exceptions, variances and other proposed projects within the Town of Potomac National Register Historic District (as well as the other National Register Districts in the City of Alexandria). We consider the project's impact on the affected historic resource(s) and evaluate the compatibility of the project within the district.

The one-story frame bungalow with a front porch was constructed in ca. 1922 and is identified as a contributing resource within the Town of Potomac National Register Historic District National Register.

The submitted drawings show the demolition of the majority of the house and the construction of a two-and-a-half-story house with a one-story front porch on the existing footprint. The fenestration throughout the house will be changed, and the building will be clad with a vertical board and baton siding and another siding material on the front and first floor side elevations. Only the porch and first floor front building will remain from the original building.

BAR Staff provides the following comments:

- The proposed project will establish a new architectural character for the property.
- The house will no longer maintain its historic massing, character or integrity.
- The character defining features of the bungalow will be demolished.
- In the opinion of BAR staff, the project will nullify the building's contributing status.

The loss of the contributing status not only affects the subject property, but also the district as a whole. Incremental losses over the years could lead to the removal of the district from the State and National Registers.



### APPLICATION BOARD OF ZONING APPEALS

### SPECIAL EXCEPTION FOR ADDITIONS

Section of zoning ordinance from which request for special exception is made: 7-2503(A)

#### PART A

1. Applicant: [] Owner [] Contract Purchaser [] Agent

Name Nathan and Christina Supinski

Address 211 Ashby Street, Alexandria, VA 22305

Daytime Phone (202) 731-6341 or (202) 701-6046

Email Address nsupinski@gmail.com or christinasupinski@gmail.com

- 2. Property Location 211 Ashby Street, Alexandria, VA 22305
- 3. Assessment Map # <u>024.02</u> Block <u>03</u> Lot <u>12</u> Zone <u>R-2-5</u>
- Legal Property Owner Name <u>Nathan Andrew & Christina Lynn Supinski</u>
   Address 211 Ashby Street, Alexandria, VA 22305

#### 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 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
<sup>1</sup> Nathan&Christina Supinski	211 Ashby Street	100%
2.		
3.		

Name	Address	Percent of Ownership
Nathan & Christina Supinski	211 Ashby Street	100%
2.		
3		
5.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by <u>Section 11-350 of the Zoning Ordinance</u>, 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. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, click here.

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.)
<sup>1</sup> Nathan & Christina Supinski	None	BZA
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.

Signature

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#### 5. Describe request briefly:

Requesting a special exception to construct a two-story dwelling on the existing foundation from the existing building with a porch on the existing front setback line while maintaining the existing front-facing first floor wall.

- 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:

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.

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 special exception will permit the renovation of an existing 1 1/2 story residence to a full two story residence. It will also allow for the replacement of the existing sill plate that sustained irreparable termite damage.

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

No harm to adjoining properties or negative impact to the neighborhood.

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

No effect to the light and air to the adjacent properties.

BZA Case # \_\_\_\_\_2016-0015

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

Increased height is similar to adjacent structures and other properties in the neighborhood consistent with its overall character.

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

The proposed roof line and style is similar to other buildings in the immediate area including the adjacent properties.

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

The plan is to build within the existing footprint and on the existing foundation.

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.
Adjacent property owners have submitted letters of support. Attached.



Floor Area Ratio Allowed by Zone



BZA2016-0015

#### DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

A2. 6,957 sq ft

Total Lot Area

A. Property Information A1. Street Address 211 Ashby Street, Alexandria, VA 22305

.45

Zone R-2-5

Maximum Allowable Floor Area

= 3.130.65 sa ft

#### B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions		
Basement	405	Basement**	405	
First Floor	926	Stairways**	33	
Second Floor	648	Mechanical**	0	
Third Floor	0	Porch/Garage**	161	
Porches/Other	161	Attic less than 5'**	0	
Total Gross*	2140	Total Exclusions	599	

B1. Existing Gross Floor Area \* 2,140 So. Ft. Sq. Ft. Allowable Floor Exclusions\*\* 599 Sq. Ft. B3. Existing Floor Area minus Exclusions 1,541 Sq. Ft. 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**		
Second Floor	278	Mechanical**		
Third FloorATTIC	926	Porch/Garage**		
Porches/Other		Attic less than 5'**	622	
Total Gross*	1,204	Total Exclusions	622	

Proposed Gross Floor Area \* Sq. Ft. Allowable Floor Exclusions\*\* Sq. Ft. C3. Proposed Floor Area minus Exclusions 582 Sq. Ft. (subtract C2 from C1)

#### D. Existing + Proposed Floor Area

2,123 D1. Total Floor Area (add B3 and C3) Sq. Ft. D2. Total Floor Area Allowed by Zone (A2) 3.130.65 Sq. Ft.

\*Gross floor area for residential single and twofamily 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 (Section2-145(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.

#### E. 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. 10

Signature:

9/26/16 Date:



211 Ashby from front of 209



211 Ashby from front of 211



211 Ashby from front of 213

Aaron and Victoria Poe 213 Ashby Street Alexandria, VA 22305

September 23, 2016

Re: 211 Ashby Street, Alexandria, VA

To Whom It May Concern:

We reside at 213 Ashby Street and fully support the Supinski's application to the City of Alexandria Board of Zoning Appeals for a Special Exception for Additions at 211 Ashby Street, Alexandria, VA 22305.

The existing structure has been a blight on our otherwise charming and well-maintained street and we ae eager to see improvement to the lot.

We understand the Supinski's are requesting an exception to allow for the building of a twostory home over the existing footprint currently supporting a one-and-one-half-story structure.

Thank you for your consideration of their application.

Sincerely,

Aaron B. Poe

Victoria B. Poe

Matthew J. Aichards Jorianne E. Jernberg 209 Ashby Street Alexandria, VA 22305

September 23, 2016

Re: 211 Ashby

To Whom It May Concern:

We reside at 209 Ashby Street and fully support the Supinski's application to the City of Alexandria Board of Zoning Appeals for a Special Exception for Additions at 211 Ashby Street, Alexandria, VA 22305.

The existing structure has been a blight on our otherwise charming and well-maintained street and we are eager to see improvement to the lot.

We understand that the Supinskis are requesting an exception to allow for the building of a two-story home over the existing footprint currently supporting a one-and-one-half-story structure.

Thank you for your consideration of their application.

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Address	Feet	Inches	Total Inches
201 Ashby Street	23	8	284
205 Ashby Street	31	4	376
207 Ashby Street	24	4	292
209 Ashby Street	14	8	176
211 Ashby Street	N/A	N/A	N/A
213 Ashby Street	14	6	174
215 Ashby Street	15	10	190
303/30 Ashby Street	26	9	321
309 Ashby Street	29	1	349
311 Ashby Street	15	11	191
317 Ashby Street	26	5	317
319 Ashby Street	18	7	223
321 Ashby Street	20	8	248
325 Ashby Street	29	9	357
327 Ashby Street	23	11	287
329 Ashby Street	32	0	384
331 Ashby Street	32	4	388
335 Ashby Street	30	4	364
Average	24.12255		
211 Ashby With Porch	15.66667		
211 Ashby Without Porch	21.83333		

#### 211 Ashby Blockface Averages - Revised 10/7/2016





#### 211 ASHBY STREET EXISTING ELEVATIONS

1 = 18'-7" 2 = 2'-4" 3 = 22'-9" 4 = 12'-2"

BZA2016-0015





### BZA2016-0015

SUPINSKI RESIDENCE 211 ASHBY STREET



### BZA2016-0015

#### SUPINSKI RESIDENCE 211 ASHBY STREET