

Docket Item #6
BZA #2020-00015
Board of Zoning Appeals
September 14, 2020

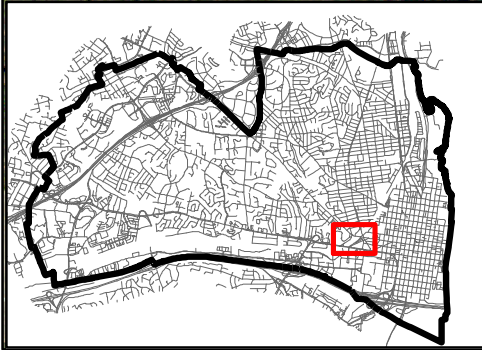
ADDRESS: 604 SOUTH VIEW TERRACE
ZONE: R-5/RESIDENTIAL SINGLE-FAMILY
APPLICANT: MARIA SOLEDAD PELLEGRINI & TIMO LORENZEN-SCHMIDT, OWNERS

ISSUE: Special exception to construct a deck in the required side yard.

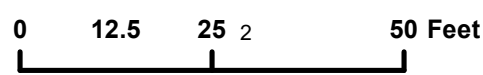
CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard (East)	7.00 feet*	4.70 feet	2.30 feet

The staff **recommends approval** of the request because it meets the criteria for a special exception.

If the Board grants the requested special exception it is subject to compliance with all applicable code requirements, ordinances, and recommended conditions found in the department comments. The applicants must submit certification of building height and floor area ratio from a licensed architect or engineer prior to the final inspection. 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 #2020-00015
604 South View Terrace



I. Issue

The applicants request a special exception to construct a rear deck in line with an existing non-complying structure within the required east side yard at 604 South View Terrace.

II. Background

The subject property is a single-family residence with 50.00 feet of frontage and width facing South View Terrace and 7,725 square feet of lot area. The lot meets the lot area, width, and frontage requirements of the R-5 zone.

The lot contains a one-and-a-half-story dwelling with a screened side porch. Real Estate Assessment Records indicate that the dwelling was constructed in 1948.

The dwelling sits 27.90 feet from the front property line facing South View Terrace, 4.70 feet from the east side property line, 6.90 feet from the west property line, and 92.20 from the rear property line. The current height of the existing dwelling is 24.40 feet to the midpoint of the highest gable from average pre-construction grade.

III. Description

The applicants propose to construct a deck in-line with the existing east side enclosed porch. The enclosed porch's east-facing building wall is located 4.70 feet from the east property line, 2.30 feet less than the required 7.00 foot minimum side yard for the R-5 zone. The height of the proposed deck measures 5.80 feet from the average pre-construction grade and nearly 8.30 feet off the ground level as the grade of the property slopes downward in the rear exposing a significant portion of the basement. Since the proposed deck is taller than two feet off the ground it does not qualify as a permitted obstruction in the required side yard.

The plane established by the east-facing building wall of the enclosed porch and exposed basement is noncomplying. This noncomplying wall measures 15.00 feet in height between the midpoint of the eave from pre-construction grade facing the east side property line.

The proposed deck would extend from the approved rear addition (BLDR2020-00297) and connect the new room to the existing screened porch measuring a total of 150 square feet. The applicant requests a special exception of 2.30 feet to construct the deck in line with the existing east side wall.

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-5 and has been so zoned since adoption of the Second Revised Zoning Map in 1963 and is identified in the Taylor Run/Duke Street Small Area Plan for residential land use.

V. Requested Special Exception:

3-306(A)(2) Side Yard (East)

The applicants request a special exception of 2.30 feet from the required 7.00 foot side yard to construct a deck 4.70 feet from the east side property line.

VI. Noncomplying Structure

The subject property is a standard lot which contains a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Side Yard (East)	7.00 feet	4.70 feet	2.30 feet

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.

The deck would be located in-line with the east side wall of the existing dwelling. While the proposed design increases the bulk along this side of the property it is in the rear of the property behind a screened porch and would not be visible from the street. The addition of a deck in this location would not be detrimental to the neighborhood. However, the deck does have the potential to generate limited impacts to the adjacent property immediately to the east due to its proximity to the shared property line. Given the size of the proposed deck and low intensity of the use only minor impacts are anticipated. In addition, as compared to the potential for a completely enclosed space the proposed deck may generate fewer detrimental effects to the adjacent property.

- 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.

The proposed deck would face the property line to the east in line with and at the same height as their existing screened porch. Given the open nature of the deck the modest increase in height in this location would not likely impair the supply of light and air to any adjacent property. 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.

Several rear decks have been constructed in the surrounding area and there are many houses that were originally constructed with similar structures. The proposed design would not alter the massing and character of the existing dwelling and would be very similar in design and bulk to other decks in the area and zone. The addition would not alter the essential character of the surrounding area.

- 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 and the scale of dwelling with many surrounding properties. The proposal would also maintain front yard, rear yard, and side yard (west) setbacks similar to the rest of the properties along South View Terrace, which are characterized by narrow lots with deep open rear yards.

- 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 lot's substantial size and width would permit the placement of a similarly sized deck behind the approved two-story addition or to the east with slight modifications to the footprint by right. However, other sites on the property would reduce the size of the rear yard and changes to the layout of deck if placed to the east may result in less area for the applicants intended use as an outdoor dining area. Decreasing the size of the rear yard would also be out of character with adjacent properties which have similarly situated houses with open rear yards. The proposed development would be in-line with the existing house. As such, it represents the most reasonable location for a deck given the placement of the house on the lot and the existing nonconforming wall.

VIII. Staff Conclusion

Neighborhood Impact

There are several rear decks and patios along South View Terrace and in the surrounding neighborhood. The addition would be compatible with the mass and height of other dwellings in the neighborhood.

Light and Air

Because the size of the deck is modest with no covering, it is unlikely the supply of light and air to adjacent properties to the east would be significantly impaired.

Lot Constraints

The property is similarly sized when compared with surrounding lots. However, the placement of the existing dwelling within the required east side yard in this case is a limiting factor because the house does not conform to the minimum side yard requirement on the east side of the property. The applicants are proposing a modest expansion to allow a deck in line with a noncomplying wall. The applicants are trying to capture a minimal amount of outdoor space for outdoor dining in connection with the recently approved second-story kitchen addition that would connect directly to the proposed deck.

Staff Conclusion

As outlined above, staff believes the request meets the criteria for a special exception and **recommends approval.**

Staff

Alexa Powell, Urban Planner, alexa.powell@alexandriava.gov

Mary Christesen, Zoning Manager, mary.christesen@alexandriava.gov

Tony LaColla, AICP, Division Chief, tony.lacolla@alexandriava.gov

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:

CONDITIONS

- R1. 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)
- R2. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (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)

FINDINGS:

- 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)
- F2. 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:
For a Public Alley - The applicant shall contact T&ES, Construction Permitting & Inspections at (703) 746-4035 to discuss any permits and accommodation requirements that will be required.
For a Private Alley - 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)

CODE REQUIREMENTS

- 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)

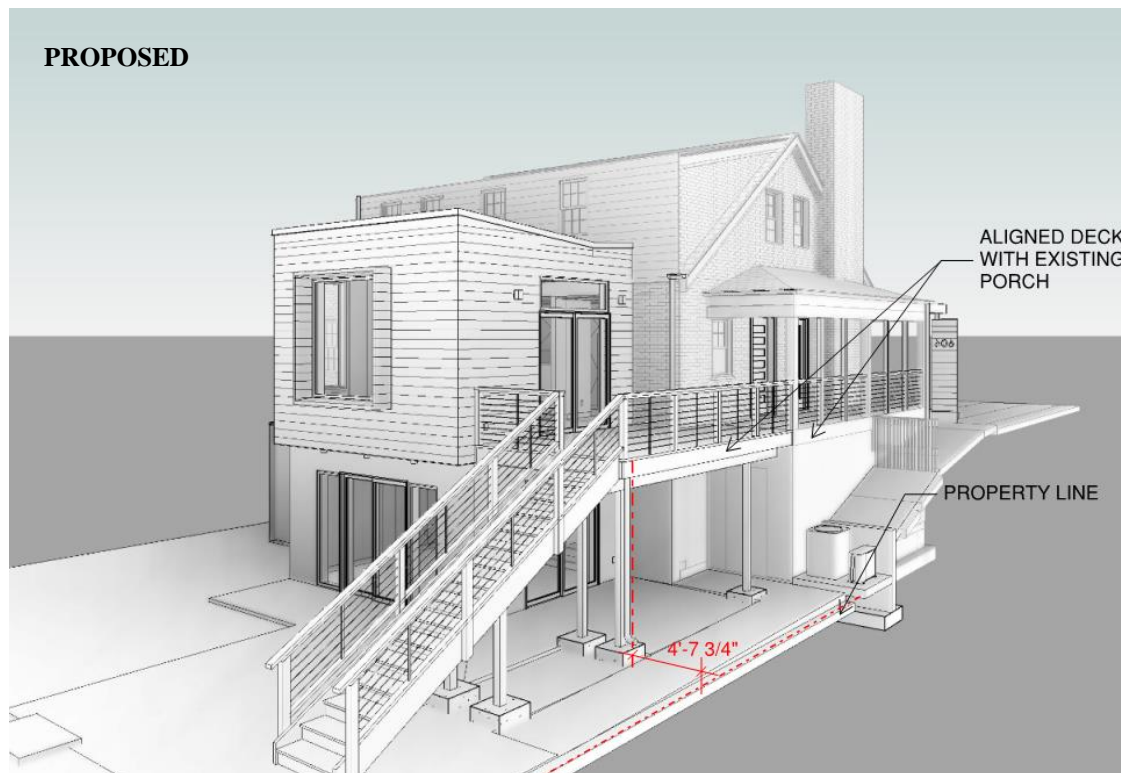
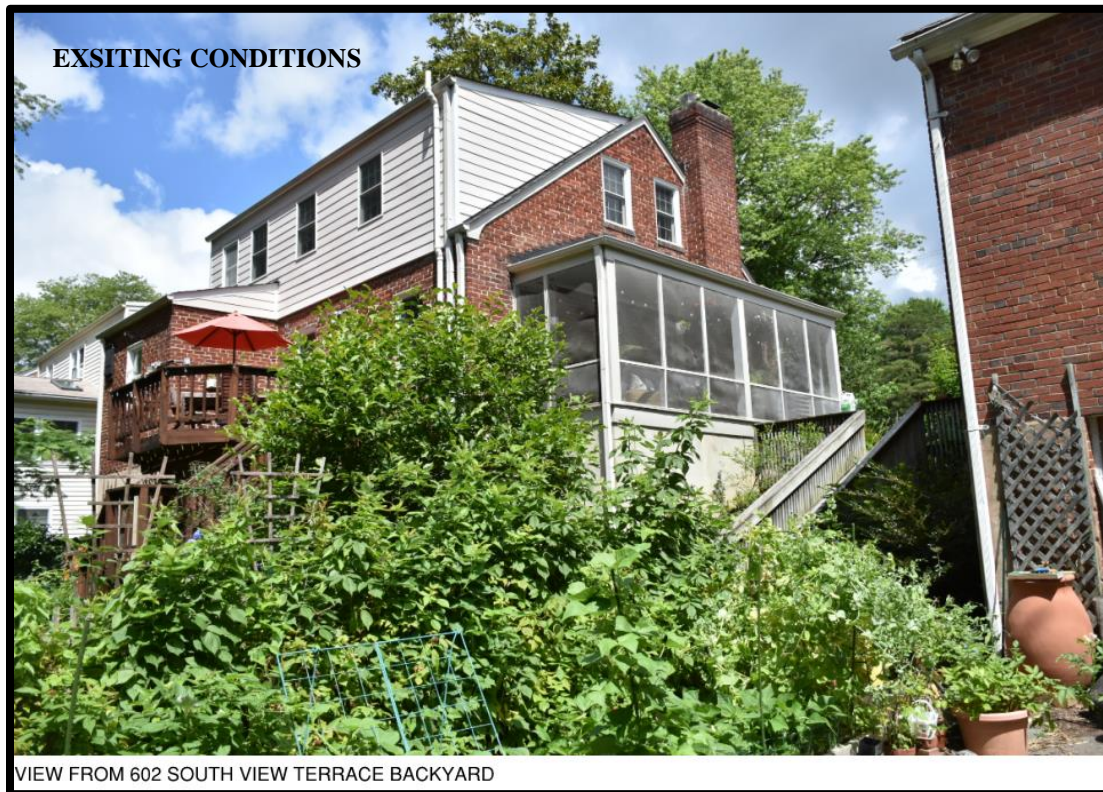
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the 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)

Recreation (Arborist):

No comments.

Historic Alexandria (Archaeology):

No archaeology oversight will be necessary for this project.





APPLICATION BOARD OF ZONING APPEALS

SPECIAL EXCEPTION FOR ADDITIONS

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

Section 7-200 Permitted Structures in Required Yards

Section 7-202 Permitted Obstructions (B) (3) Open Terraces & Decks

PART A

1. **Applicant:** ☒ **Owner** ☐ **Contract Purchaser** ☐ **Agent**

Name Maria Soledad Pellegrini & Timo Lorenzen-Schmidt

Address 604 South View Terrace, Alexandria VA 22314

Daytime Phone 703 628 1452

Email Address timo.lorenzen-schmidt@gmx.com

2. **Property Location** 604 South View Terrace, Alexandria VA 22314

3. **Assessment Map #** 062 **Block** 02 **Lot** 09 **Zone** 13

4. **Legal Property Owner Name** Maria Soledad Pellegrini & Timo Lorenzen-Schmidt

Address 604 South View Terrace, Alexandria VA 22314

5. Describe request briefly:

As part of the construction of a two story addition to our residence at 604 South View Terrace, we hereby apply for a special exception for the minor adjustment to the requirement of constructing an open deck partly within the required side yard and higher than permissible per section 7-202 Permitted Obstructions (B) (3) Open Terraces and Decks. The exception will not adversely affect the adjacent property owner since the overall deck structure will be further away from the shared property line than the compliant design with landing and stair inside the side yard. The exception is necessary and desirable to align the new deck with the existing grandfathered porch and allow us for better furnishing. The special exception won't affect the floor area ratio. Please refer to the attached drawings and permit application BLDR 2020-00297.

6. If the 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:

MARIA SOLEDAD PELLEGRINI
TIMO LORENZEN-SCHMIDT

Print Name

703 628 1452

Telephone



Signature

6/25/2020

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.

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
1. NONE		
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 604 SOUTH VIEW TERRACE, ALEXANDRIA, VA 22314 (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.

Name	Address	Percent of Ownership
1. MARIA SOLEDAD PELLEGRINI	604 SOUTH VIEW TERRACE ALEXANDRIA, VA 22314	50%
2. TIMO LORENZEN-SCHMIDT	604 SOUTH VIEW TERRACE ALEXANDRIA, VA 22314	50%
3.		

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 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. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate 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](#).

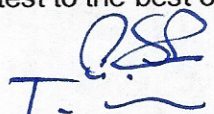
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. MARIA SOLEDAD PELLEGRINI	NONE	NONE
2. TIMO LORENZEN-SCHMIDT	NONE	NONE
3.		

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.

6/25/2020
Date

MARIA SOLEDAD PELLEGRINI
TIMO LORENZEN-SCHMIDT
Printed Name


Signature

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.

If granted, the deck provides for more coherent alignment with the existing building structure, allows for better furnishing and locates the overall deck structure further away from the shared property line compared to the approved deck design. The special exception deck can accommodate a table for 4 whereas the compliant deck design only accommodates a table for 2. Please refer to the attached drawings and permit application BLDR 2020-00297.

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

The exception will not adversely affect the adjacent property owner at 602 South View Terrace, since the overall deck structure will be further away from the shared property line than the approved deck design. In the compliant deck design, landing and stair are located parallel to the deck, permissibly within the required side yard area and therefore located closer to the shared property line than the special exception deck design would. Please refer to the attached drawings and permit application BLDR 2020-00297.

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

The special exception deck affects the light and air to the adjacent property the same way the compliant deck design does. If there is a difference, its effect would be slightly less due to its location further away from the shared property line than the compliant deck.

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

The source of the deck construction is the "Fairfax County, Virginia - Typical Deck Details Based on the International Building Code" as referenced by the City of Alexandria Code Administration. The deck would be common to many residences in the neighborhood. The special exception deck would be of the same construction as the compliant deck.

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

The deck would be common to many residences in the neighborhood. The special exception deck would be of the same construction as the compliant deck.

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

The deck, as located, connects the existing porch with the new addition and stair to the back yard. It fills the South-East corner of the existing building and keeps the overall constructed footprint compact. By doing so it preserves more backyard area than in any other location.

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.

The plans have been shown to the adjoining property owners at 602 South View Terrace.



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

A

A. Property Information

A1. 604 SOUTH VIEW TERRACE
Street Address

R-5
Zone

A2. 7,725.00 x 0.45 = 3,476.25
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area

Basement 1,128.00
First Floor 1,128.00
Second Floor 922.00
Third Floor
Attic
Porches
Balcony/Deck
Garage
Other***

Allowable Exclusions**

Basement**
Stairways** 103.00
Mechanical** 30.00
Attic less than 7'*** 313.00
Porches**
Balcony/Deck**
Garage**
Other*** 18.50
Other***

B1. 3,178.00 Sq. Ft.
Existing Gross Floor Area*

B2. 464.50 Sq. Ft.
Allowable Floor Exclusions**

B3. 2,713.50 Sq. Ft.
Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Comments for Existing Gross Floor Area

Other*** = Chimney Area

B1. **Total Gross** 3,178.00 B2. **Total Exclusions** 464.50

C. Proposed Gross Floor Area

Proposed Gross Area

Basement 229.00
First Floor 234.00
Second Floor
Third Floor
Attic
Porches
Balcony/Deck
Garage
Other***

Allowable Exclusions**

Basement**
Stairways**
Mechanical**
Attic less than 7'***
Porches** 131.00
Balcony/Deck**
Garage**
Other***
Other***

C1. 463.00 Sq. Ft.
Proposed Gross Floor Area*

C2. 131.00 Sq. Ft.
Allowable Floor Exclusions**

C3. 332.00 Sq. Ft.
Proposed Floor Area Minus Exclusions
(subtract C2 from C1)

C1. **Total Gross** 463.00 C2. **Total Exclusions** 131.00

D. Total Floor Area

D1. 3,045.50 Sq. Ft.
Total Floor Area (add B3 and C3)

D2. 3,476.25 Sq. Ft.
Total Floor Area Allowed
by Zone (A2)

E. Open Space (RA & RB Zones)

E1. Sq. Ft.
Existing Open Space

E2. Sq. Ft.
Required Open Space

E3. Sq. Ft.
Proposed Open Space

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.

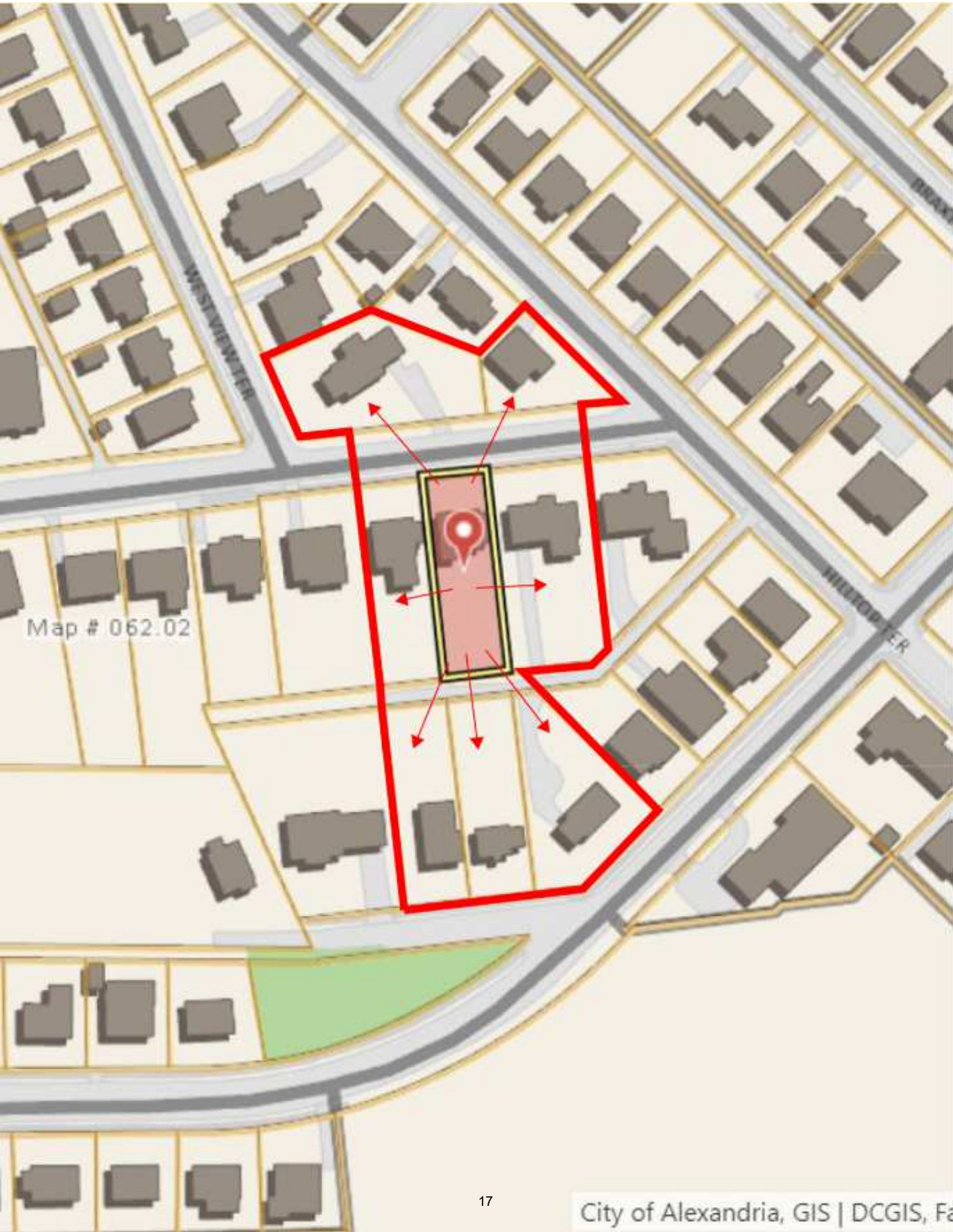
*** Refer to the Zoning Ordinance (Section 2-145(A)) and consult with Zoning Staff for additional allowable exclusions. Additional exclusions may include space under balconies, retractable awnings, etc.

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

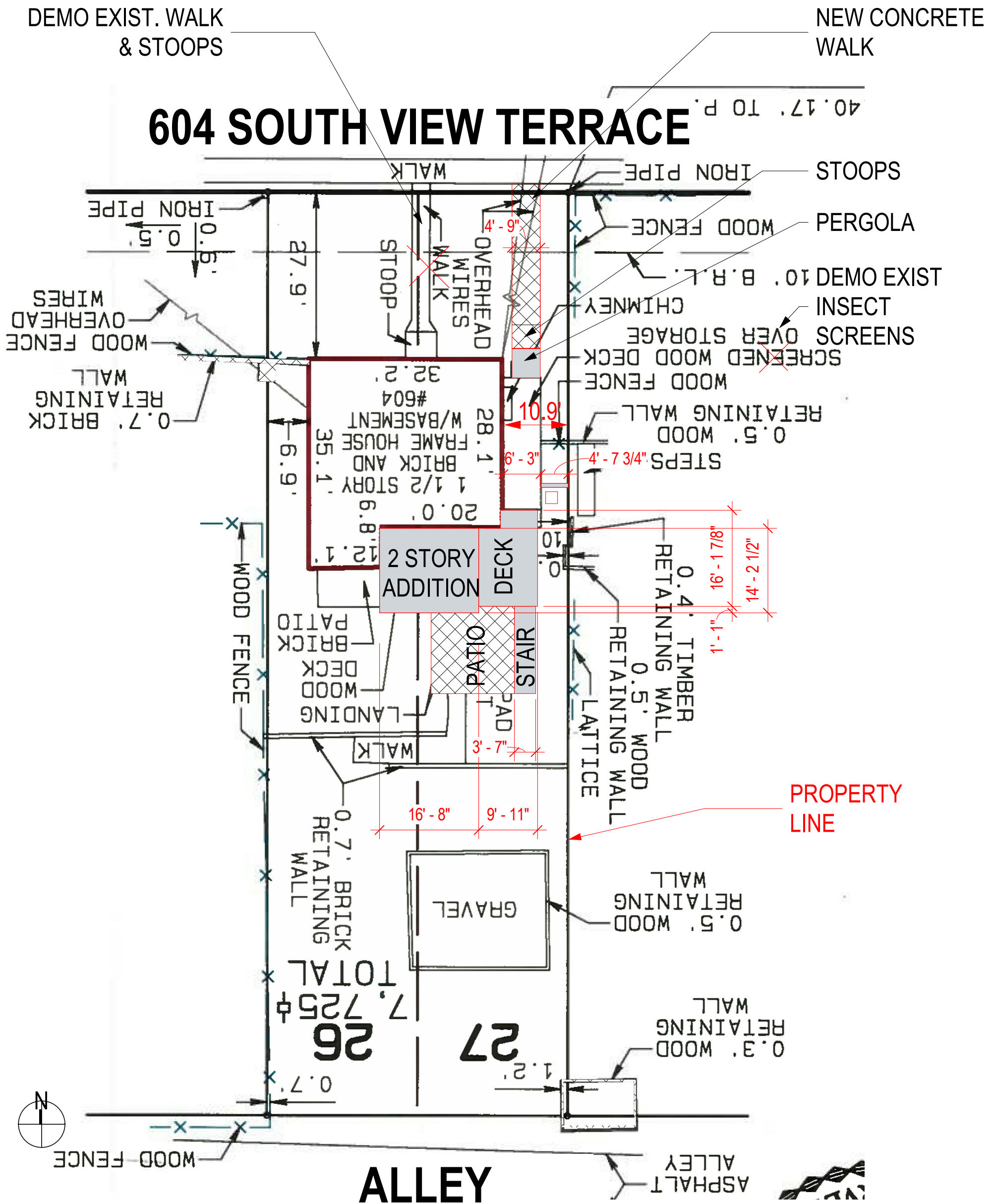
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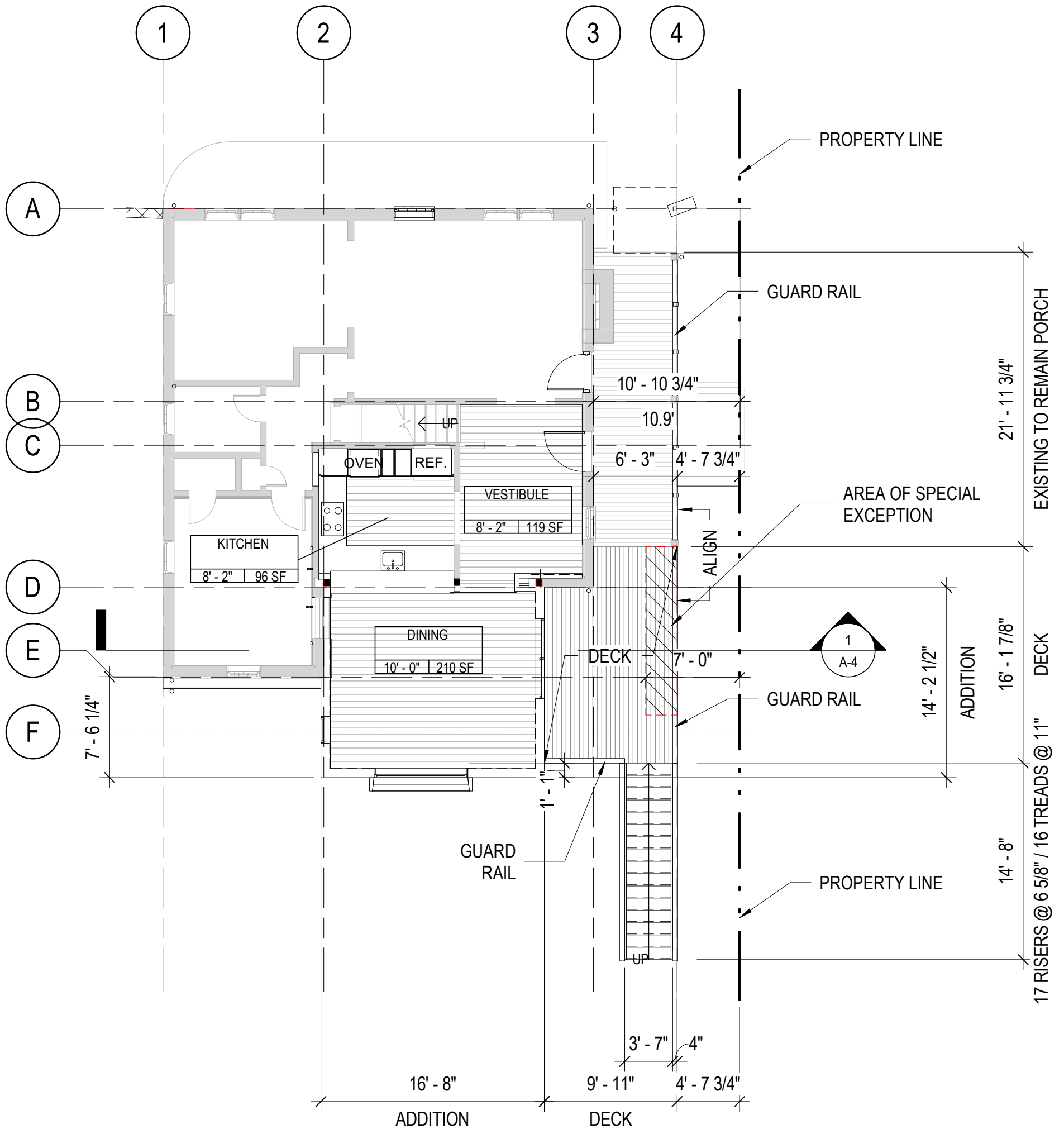
6/25/2020

ADJOINING & ABUTTING PROPERTIES TO
604 SOUTH VIEW TERRACE, ALEXANDRIA VA 22314









1 FIRST LEVEL

SCALE: 1/8" = 1'-0"

APPLICANT/ OWNER

MARIA SOLEDAD PELLEGRINI
TIMO LORENZEN-SCHMIDT
604 SOUTH VIEW TERRACE
ALEXANDRIA VA 22314
T 703.218.1451
timo.lorenzen-schmidt@gmx.com

604 SOUTH VIEW TERRACE ALEXANDRIA VA 22314 FIRST FLOOR PLAN

Job Number:

SPECIAL
EXCEPTION

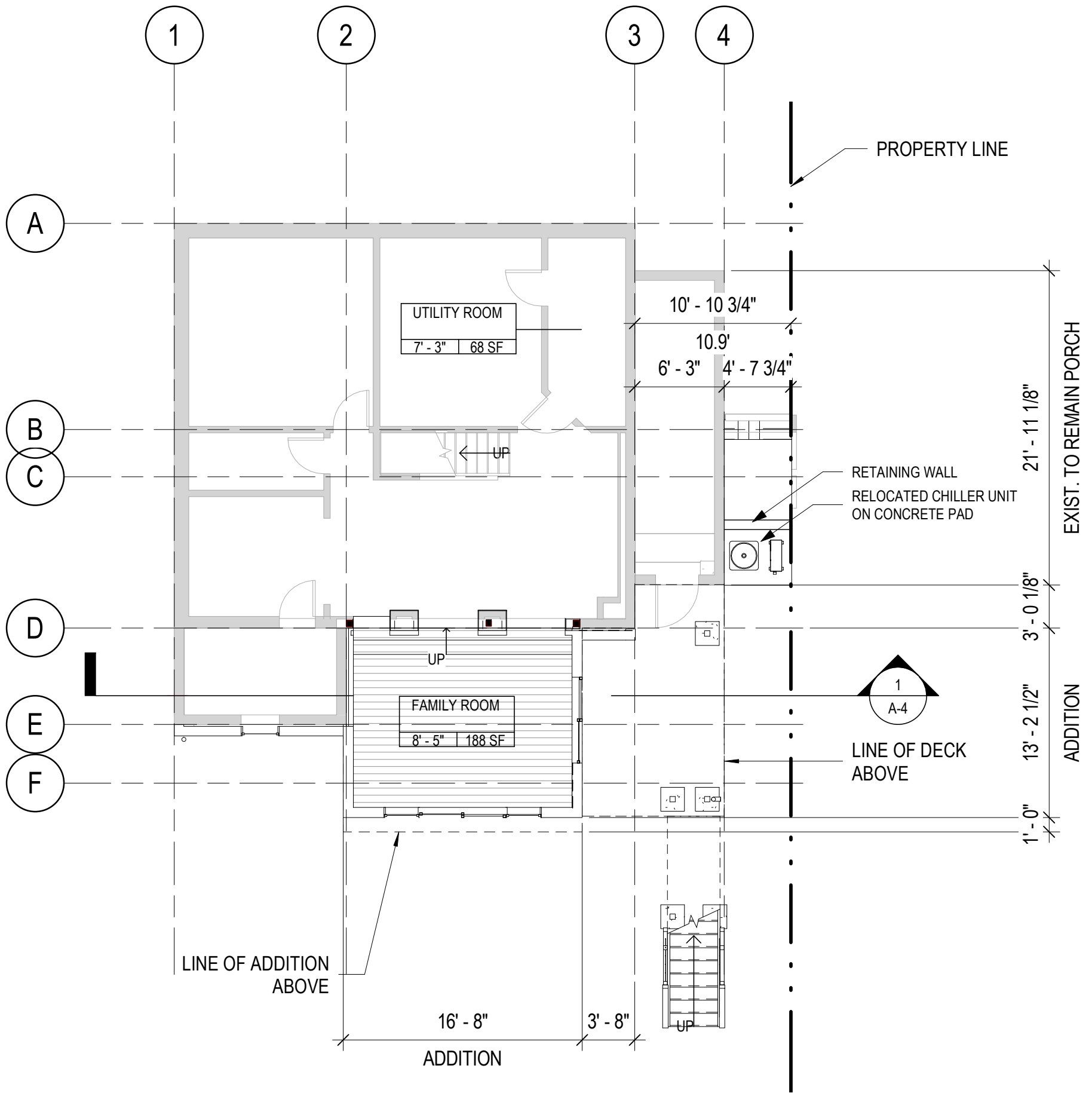
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Date:

06/16/20

Drawing Number:

A-2



1

BASEMENT LEVEL

SCALE: 1/8" = 1'-0"

APPLICANT/ OWNER

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604 SOUTH VIEW TERRACE ALEXANDRIA VA 22314

BASEMENT FLOOR PLAN

Job Number:

SPECIAL
EXCEPTION

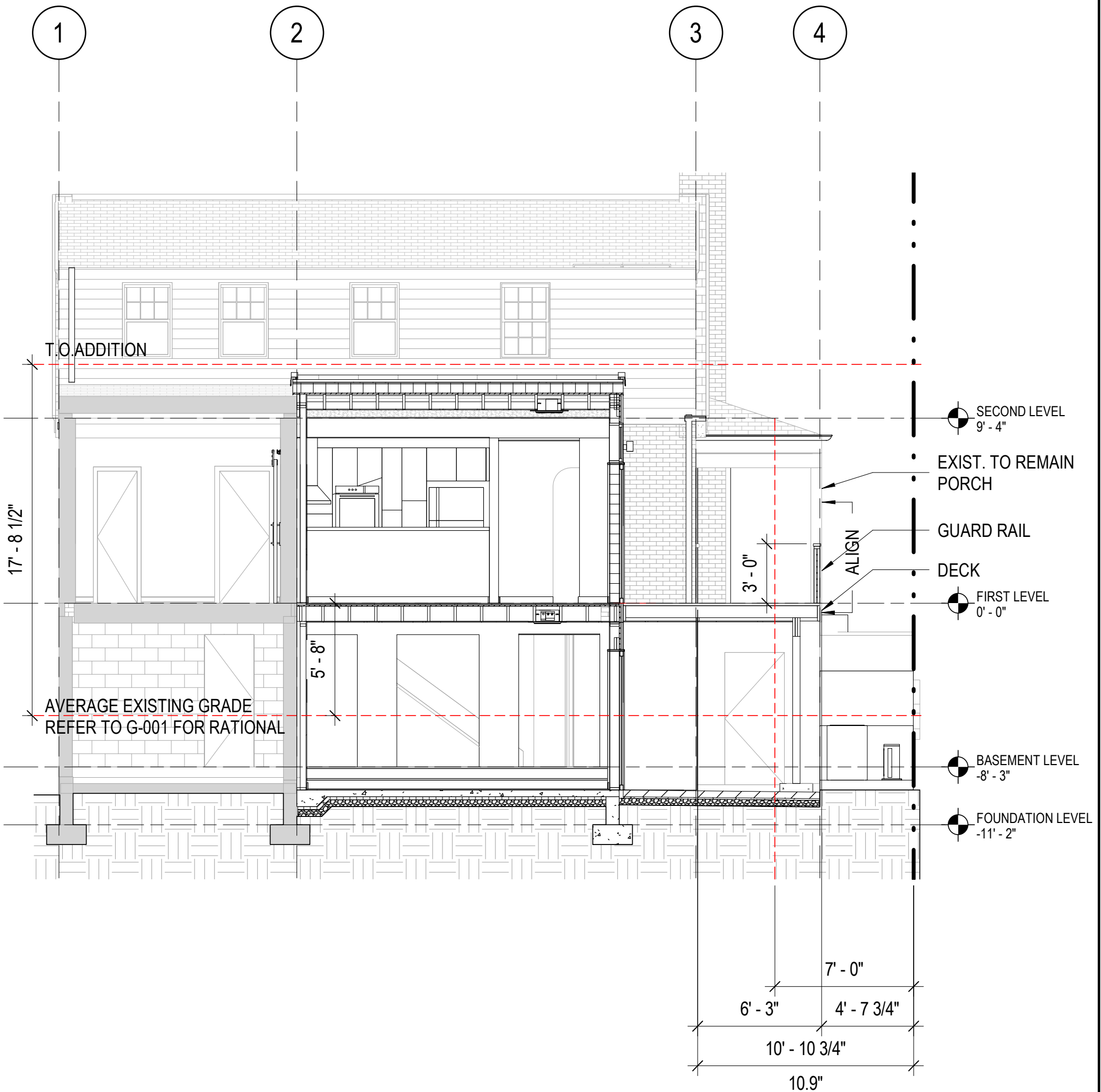
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Date:

06/16/20

Drawing Number:

A-3



1 BUILDING SECTION

SCALE: 3/16" = 1'-0"

APPLICANT/ OWNER

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604 SOUTH VIEW TERRACE ALEXANDRIA VA 22314 BUILDING SECTION

Job Number:

SPECIAL
EXCEPTION

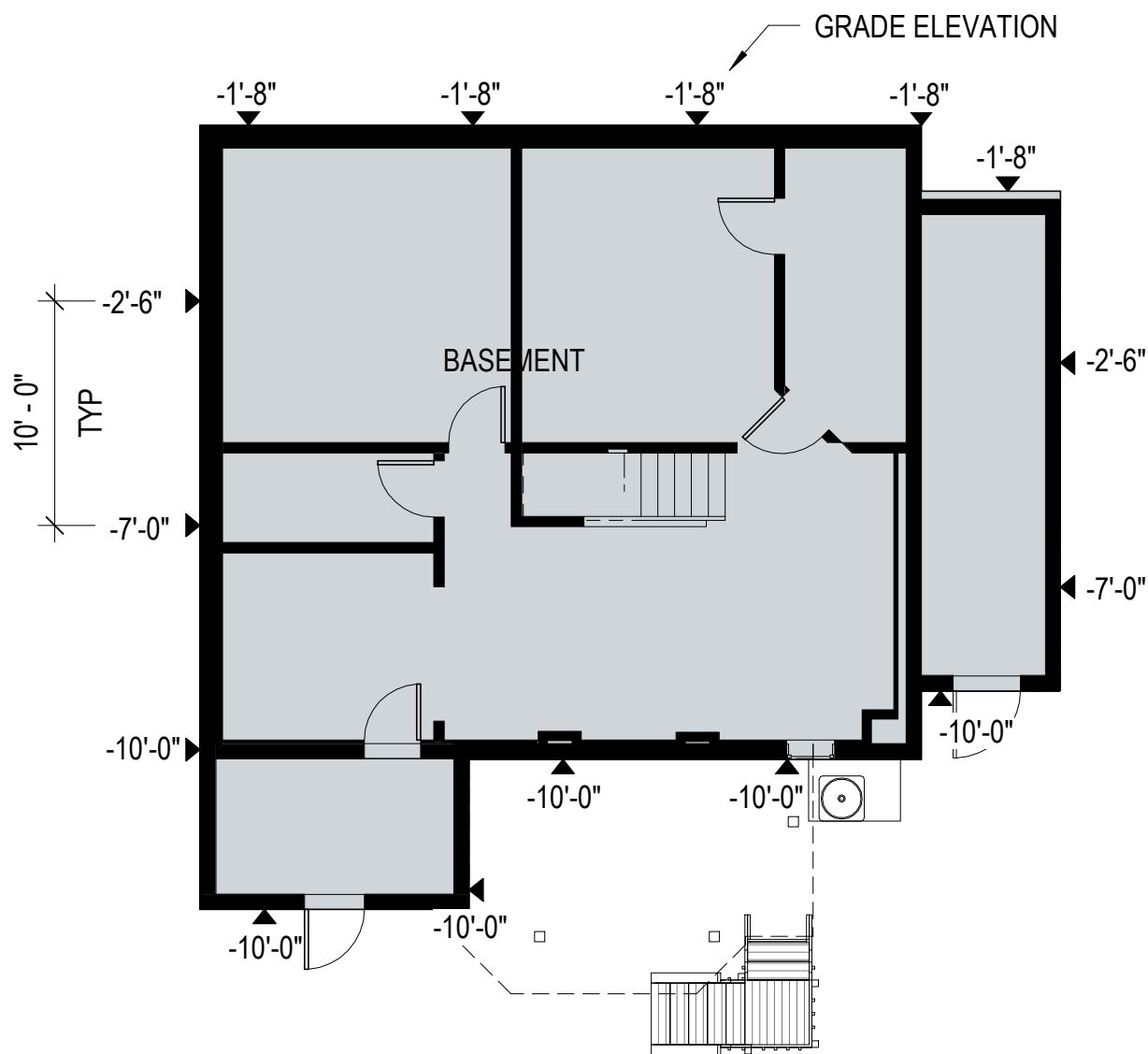
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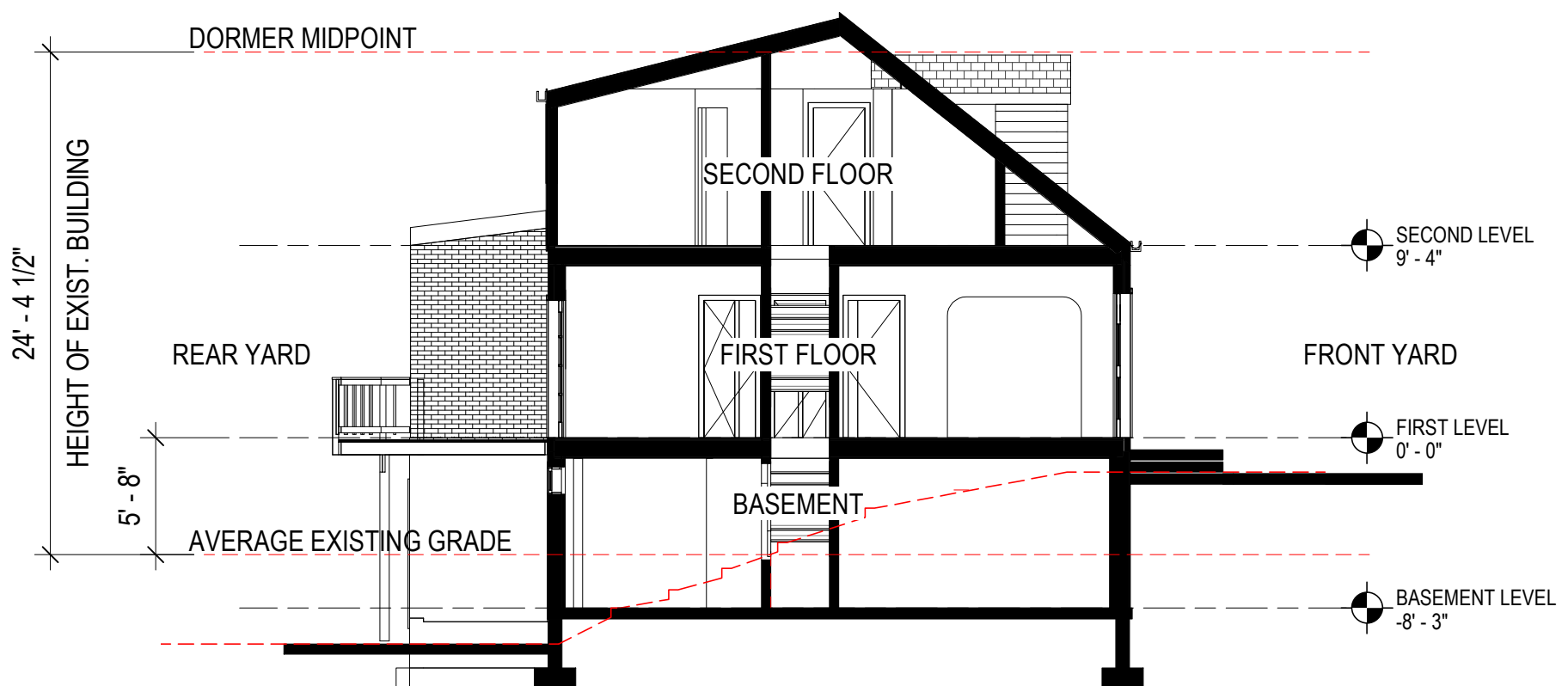
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1 PLAN - AVERAGE PRE-CONSTRUCTION GRADE

SCALE: 1/8" = 1'-0"



2 SECTION - AVERAGE PRE-CONSTRUCTION GRADE

SCALE: 1/8" = 1'-0"

APPLICANT/ OWNER

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604 SOUTH VIEW TERRACE ALEXANDRIA VA 22314

AVERAGE PRE-CONSTRUCTION GRADE

Job Number:

SPECIAL
EXCEPTION

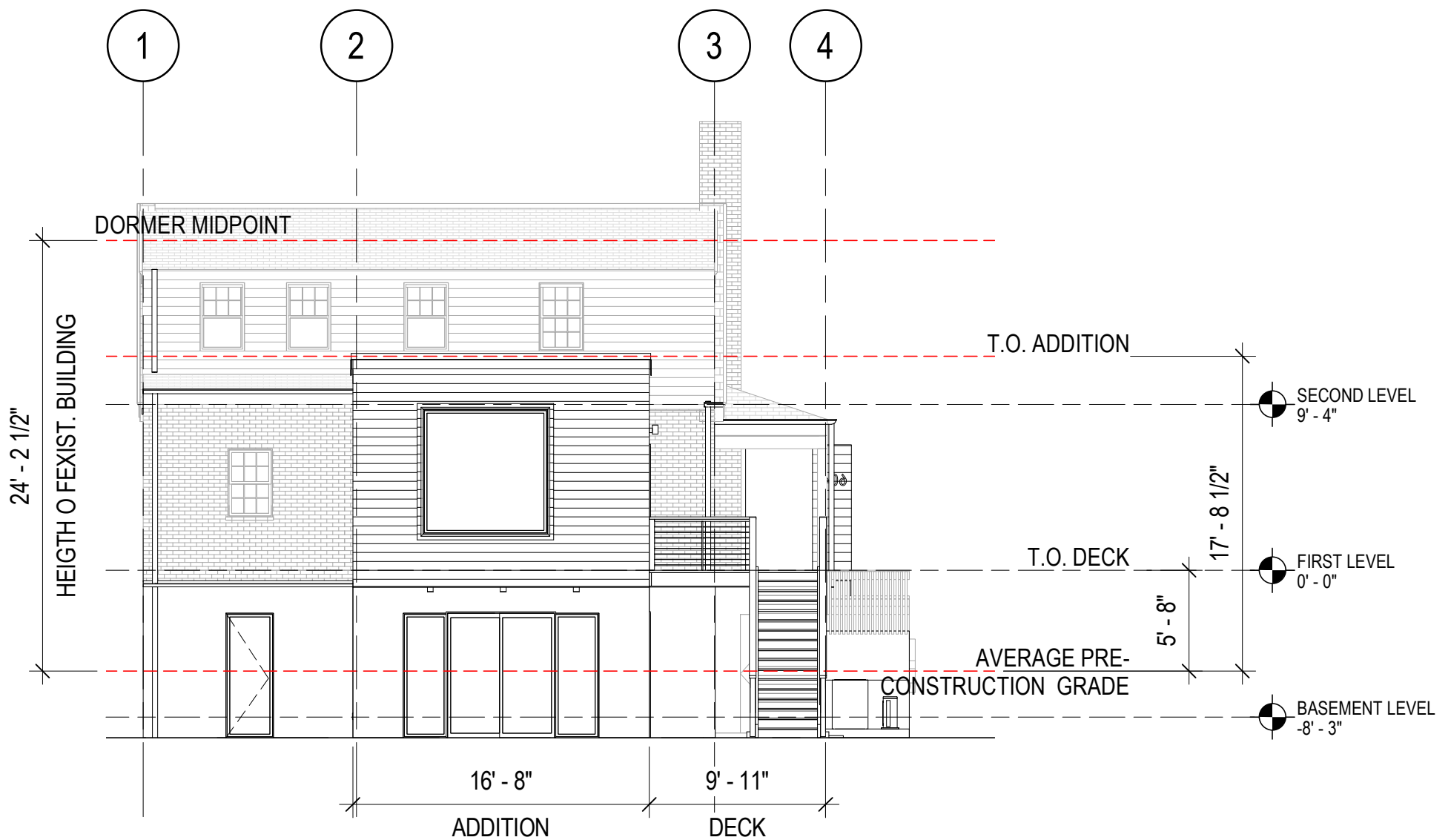
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07/18/20

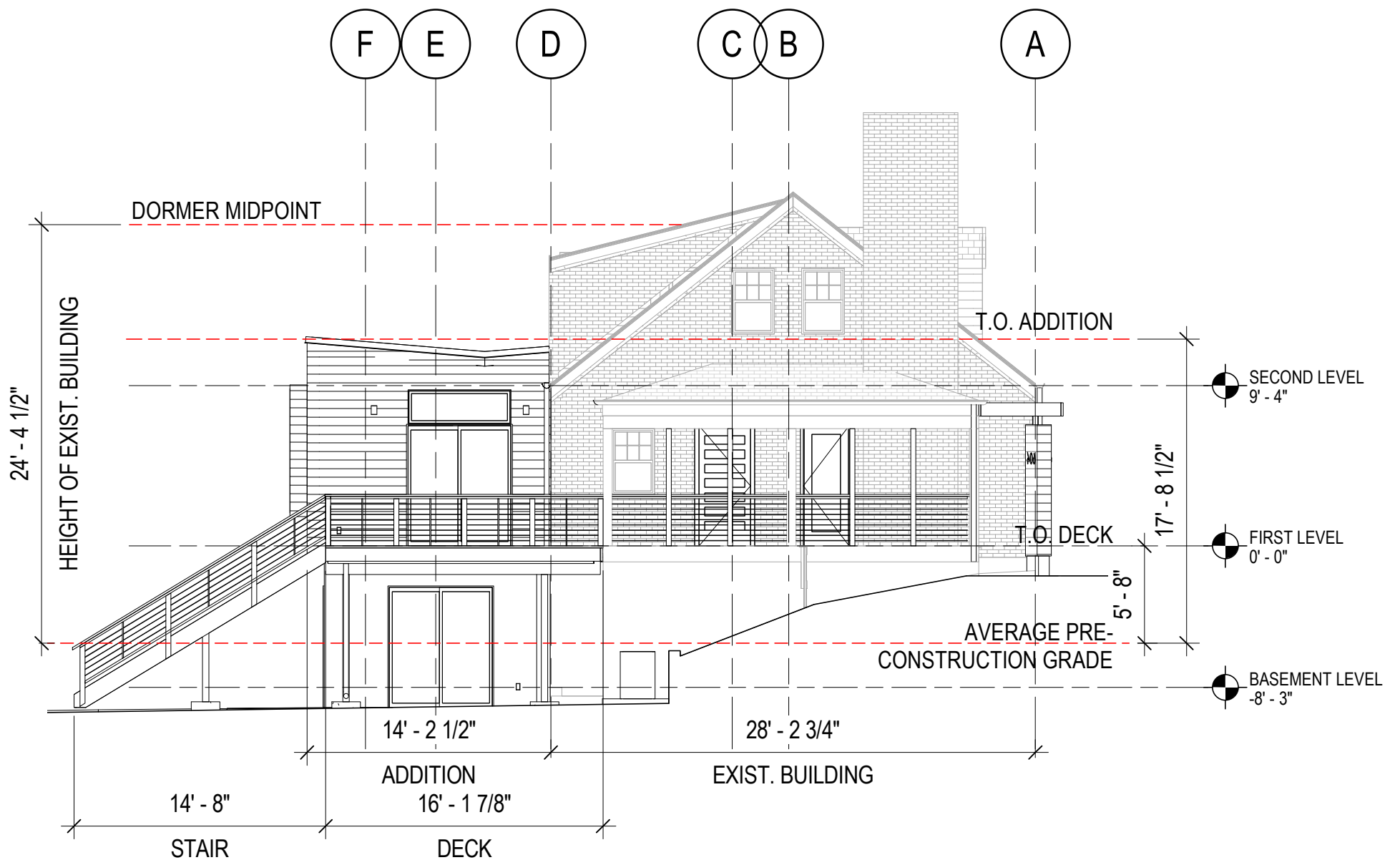
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1 REAR ELEVATION

SCALE: 1/8" = 1'-0"



2 SIDE ELEVATION

SCALE: 1/8" = 1'-0"

APPLICANT/ OWNER

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604 SOUTH VIEW TERRACE ALEXANDRIA VA 22314

BUILDING ELEVATIONS

Job Number:

SPECIAL
EXCEPTION

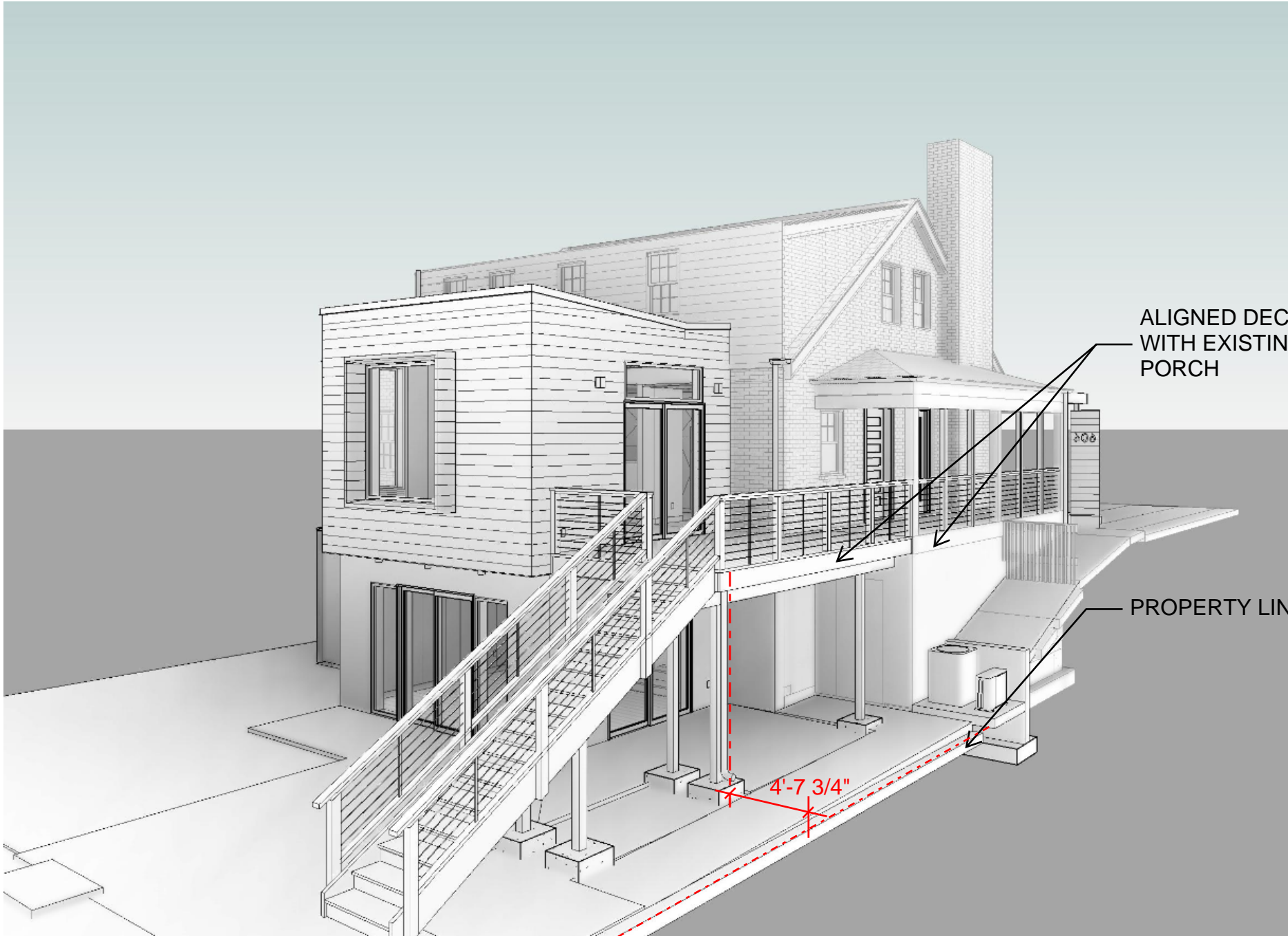
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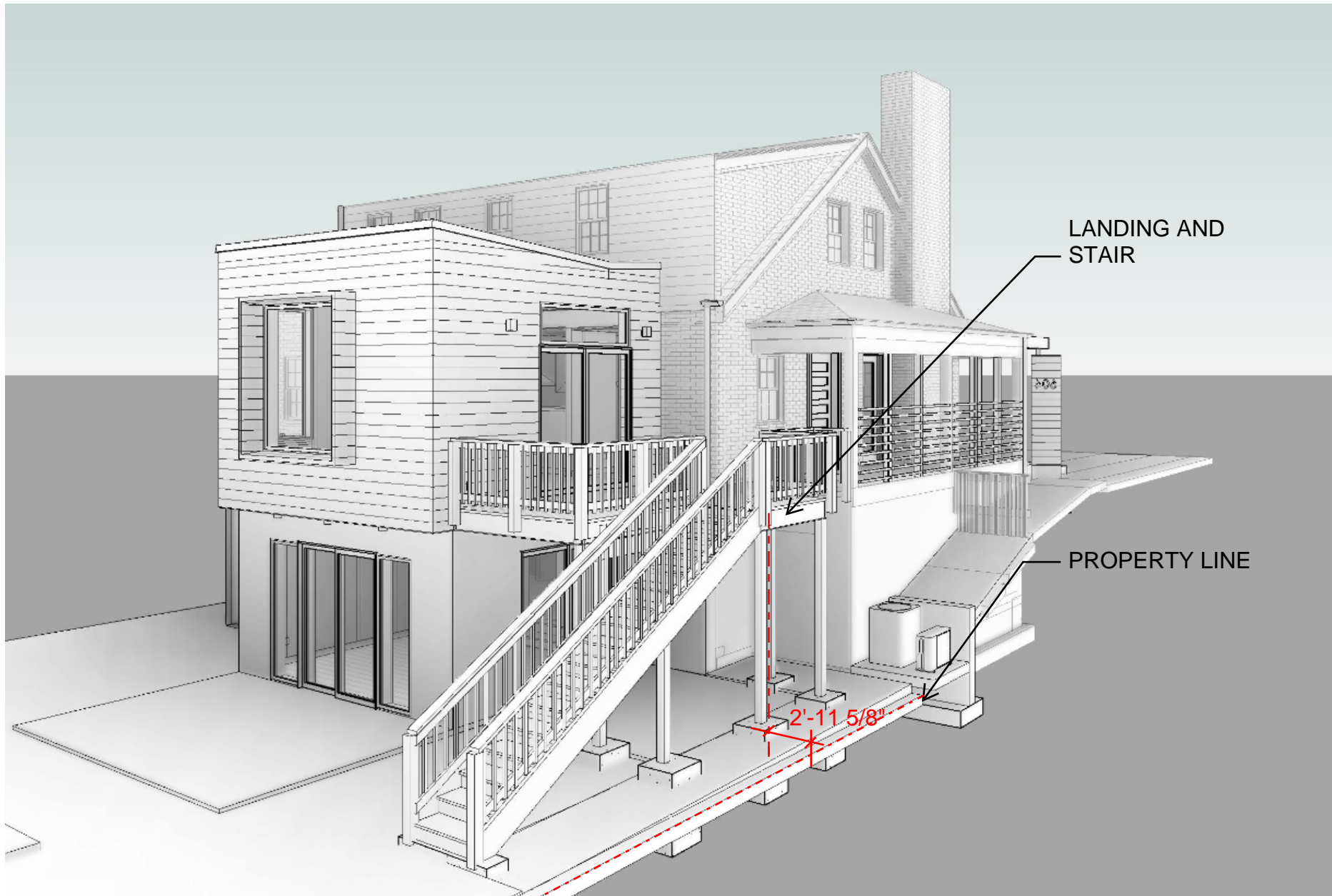
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A-4C



SPECIAL EXCEPTION DECK



COMPLIANT DECK

<div>APPLICANT/ OWNER</div> <div>MARIA SOLEDAD PELLEGRINI</div> <div>TIMO LORENZEN-SCHMIDT</div> <div>604 SOUTH VIEW TERRACE</div> <div>ALEXANDRIA VA 22314</div> <div>T 703.218.1451</div> <div>timo.lorenzen-schmidt@gmx.com</div>	<div>604 SOUTH VIEW TERRACE ALEXANDRIA VA 22314</div> <div>PHOTOS</div>		
Job Number:	SPECIAL EXCEPTION26	Date:	06/20/20Drawing Number: A-6



VIEW FROM SOUTH VIEW TERRACE



VIEW FROM SOUTH VIEW TERRACE

*NOTE: INSECT SCREEN PANELS WILL BE DEMOLISHED AND REPLACED WITH GUARDRAILS AS PART OF CONSTRUCTION OF ADDITION

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Job Number:	SPECIAL EXCEPTION	27	Date:	06/20/20
			Drawing Number:	A-7

604 SOUTH VIEW
TERRACE

602 SOUTH VIEW
TERRACE



VIEW FROM BACKYARD



VIEW FROM BACKYARD

APPLICANT/ OWNER
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PHOTOS



VIEW FROM 602 SOUTH VIEW TERRACE BACKYARD



VIEW FROM 602 SOUTH VIEW TERRACE BACKYARD

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Job Number:	SPECIAL EXCEPTION	29	Date:	06/20/20
			Drawing Number:	A-9

EXISTING PORCH*
PROPERTY LINE



VIEW FROM 602 SOUTH VIEW TERRACE BACKYARD

*NOTE: INSECT SCREEN PANELS WILL BE DEMOLISHED AND REPLACED WITH GUARDRAILS AS PART OF CONSTRUCTION OF ADDITION



VIEW FROM BETWEEN THE PROPERTIES INTO THE BACKYARD

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