



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit # 2002-0100

Approved by City Council on: February 22, 2003

Permission is hereby granted to: Sidney and Linda Lowery

to use the premises located at: 2705 Hemlock Avenue

for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

5-10-03

Date

Eileen Fogarty

Eileen P. Fogarty, Director
Department of Planning and Zoning

Docket Item # 9
SPECIAL USE PERMIT #2002-0100

Planning Commission Meeting
February 4, 2003

ISSUE: Consideration of a request for a special use permit for construction of a single family dwelling on a substandard lot with two tandem parking spaces.

APPLICANT: Sidney and Linda Lowery

LOCATION: 2705 Hemlock Avenue

ZONE: R-8/Residential

CITY COUNCIL ACTION, FEBRUARY 22, 2003: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, FEBRUARY 4, 2003: On a motion by Ms. Fossum, seconded by Mr. Gaines, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Sidney Lowery, the applicant, spoke in support of the application. He added that he designed the building as a “green building” designed for reduced energy consumption and with super insulation, passive solar orientation, and non-polluting construction materials.

Sarah Hout, representing the Del Ray Citizens Association, spoke in support of the application, and that the proposed tandem parking spaces adequately address parking concerns raised by some of the neighbors. She added that the Del Ray Civic Association Executive Committee voted to approve the application.

Betty Kellogg, Hickory Street resident, expressed concern about her existing retaining wall and about potential damage to her property from water runoff. Staff explained that the plot plan and building permit process should be sufficient to identify and correct any potential impacts to adjacent neighbors. Eric Wagner noted that staff should specifically review and correct any potential impacts on neighboring properties and existing retaining walls at the time it is reviewing the proposed building and plot plans.

STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. Two tandem spaces shall be permitted on the property as shown on the proposed plan. (P&Z)
2. No additional projections or structures may be constructed outside the building footprint represented in the application. (P&Z)
3. Approved building permits shall be consistent with plans presented as part of this application, provided that minor design and architectural changes may be made if approved by the Director of Planning and Zoning. (P&Z)
4. A plot plan showing all improvements, alterations and utility services to the site must be approved by T&ES, the Department of Planning and Zoning, and the City Arborist prior to issuance of a building permit. (T&ES) (P&Z) (City Arborist)
5. The applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
6. An erosion and sediment control plan that complies with City Code Section 5-4-1 must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
7. City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. 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. (T&ES)

8. If fireplaces are to be included in the new house, the applicant is required to install gas fireplaces to reduce air pollution and odors. Animal screen must be installed on chimneys. (T&ES)
9. The applicant shall consult with the City Arborist and utilize appropriate tree preservation methods during construction as prescribed by the City Arborist. (City Arborist)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

In compliance with City Ordinance #3299, the general location and size of major trees must be shown on all applications before a building permit will be issued.

DISCUSSION:

1. The applicants, Sidney and Linda Lowery, request special use permit approval to construct a single family dwelling on a substandard lot with tandem parking at 2705 Hemlock Avenue.
2. The subject property is one lot of record with 52 feet of frontage on Hemlock Avenue, 70 feet of depth and a total lot area of 5,230 square feet. Hemlock Avenue is a short, terminating street entered from West Mount Ida Avenue. The lot is currently developed with a large garage structure.
3. The applicants are the owners of the lot and designers and future occupants of the proposed home, which they are planning to be their retirement home. They have for many years lived adjacent to the subject property at 105 West Mount Ida Avenue.
4. The subject lot was created prior to the enactment of zoning regulations for the R-8 zone in the City. It is smaller than the lot requirements of the R-8 zone. The R-8 regulations and the existing lot dimensions are as follows:

	<u>R-8 Requirements</u>	<u>Existing lot Dimensions</u>
Lot area	8,000 sq ft	5,230 sq ft
Frontage width	40 ft	52.3 ft
Width at building line	65 ft	52.3 ft

5. Pursuant to Section 12-402(A)(1) and (B) of the zoning ordinance, a substandard lot may be developed with a single family detached dwelling if it contains at least the lot area, and has at least the width at both the front lot line and building line as at least 50% of the developed lots on the block face where the lot is located, and a special use permit is approved.
6. Staff has performed the necessary analysis and calculations under the above standard and determined that the subject lot meets the threshold allowing it to proceed to request a special use permit. Of the 25 developed lots in the relevant block face, the subject lot is as large as or larger (in area and width) than 19, or more than 50%, of them. (See attached staff analysis).

7. Under section 12-402 (C), City Council may approve a special use permit for a single family dwelling on a substandard lot if the lot meets the above threshold and if Council finds that the proposed development:
 - (a) Will not unreasonably impair an adequate supply of light and air to adjacent property,
 - (b) Will not diminish or impair established property values in the surrounding areas, and
 - (c) Will be compatible with the existing neighborhood character.
8. The zoning ordinance recognizes that building a house on a lot that is not as large as the zone may require modifications of the standard zoning rules. Under section 12-404, Council may, in approving a special use permit to allow development of a substandard lot, modify minimum yard, coverage, or other minimum requirements of the zoning ordinance.
9. In this case, the applicant has submitted the following materials (see attachments):
 - a A plan showing the location and size of the proposed house on the lot.
 - b Elevations of the proposed house.
 - c. A plan showing the location and size of the proposed house on the lot with footprints of the adjacent houses.
 - d. A plan showing the proposed elevation of the house in context with elevations of the adjacent houses.
 - d Floor area computations and interior layout plans.
 - e. A letter from the applicant describing the various changes that have been incorporated into the design since the time of application, and as a result of meetings with staff.
 - f. Photographs with addresses of other homes in the neighborhood that have similar style or design aspects.
 - g. A copy of the Sanborn map of the area, with the proposed home plotted on the property.
10. A total of 19 dwellings are located on Hemlock. Many of the homes on the street are brick colonial, but the street has a mix of styles including a ranch and a bungalow. The subject property is located near the intersection of Hemlock and West Mount Ida Avenues where the architectural style is not colonial, but includes American vernacular, bungalow, and Georgian (see attached photos).

11. The proposed house is one and a half stories, American vernacular in style, and faces Hemlock Avenue. The house is 27 feet in height to the tallest point, 29 feet wide, and 58 feet long. It has a gross floor area of 4,512 square feet and a total of 1,775 net square feet of floor area.

The house will be located on the lot so as to allow a 25.5 foot front yard, and side setbacks that vary from 11 feet to 12.3 feet. The property already has a driveway curb cut which is proposed to remain. The applicant is proposing tandem parking in the driveway.

12. The following is a comparison of the bulk requirements of the R-8 zone and the proposed dwelling:

	<u>R-8 Requirements</u>	<u>Proposed</u>
Front yard	30 feet	25.5 feet
Side yards	10.4 ft	11 ft south elevation 12.3 ft north elevation
Rear yard	16 feet	16.5 feet
FAR	1,831	1,779
Height	35 feet	27 feet

In addition to lot size, the only zoning modification required for the proposed house is for the front yard set back. Staff recommended this modification so that the proposed house would be consistent with the front set backs of the existing houses on Hemlock.

13. The proposed dwelling has a side entry, which is an element found on other homes in the neighborhood, however, is not found on the block (see attached photos for examples in the neighborhood).
14. Zoning: The subject property is located in the R-8 zone. The proposed dwelling is not consistent with the R-8 minimum lot size requirements.
15. Master Plan: The proposed use is consistent with the Potomac West small area plan chapter of the Master Plan which designates the property for residential use.

STAFF ANALYSIS:

Staff does not object to the proposed single family dwelling located at 2705 Hemlock Avenue. The subject lot is a developable lot under the substandard lot rules, and the proposed home appears to be compatible with the immediate neighborhood. From the street, it is a fairly modest looking, one and a half story home, not as tall as neighboring houses, and given the declining grade of the lot, sits below the street grade. The block face on Hemlock Avenue has a number of brick colonial style houses, however, the immediately adjacent area has a mix of architectural styles, including the more traditional style that the applicant is proposing. The proposal complies with side yard, rear hard, height, and FAR requirements of the R-8 zoning district. The front setback is proposed to be modified from the required 30 feet, but it will be consistent with the building setback of the rest of the block. The applicant is also able to preserve some of the existing large trees on the lot. Staff does have some concerns about the proposal, which are described below.

As outlined in the applicants' letter, they have worked considerably on the design of the house in an effort to respond to staff's concerns, including the site layout, the parking, and the compatibility of the design of the home with the immediate neighborhood.

Site Layout

Staff's most significant and continuing concern relates to the placement of the house on the lot so that it is compatible with the set backs of the other homes on the block both in front and in the rear yards. When first proposed, the footprint of the dwelling was situated another five or six feet back from where the current plan proposes, leaving it approximately five feet behind the building setback line that has been established on the street by the existing homes. Staff was also concerned about the rear yard dimension, which was initially proposed at only nine feet. The rear yard as established by the most of the existing houses on Hemlock appears to be at least double this size. Therefore, staff found that the initial layout created a visual barrier to the existing homes on the block, with its large open rear yards with mature trees. Particularly true with respect to the house directly to the south, at 105 West Mount Ida Avenue, the originally proposed house would block the light and air from its neighbor; its entire rear face of the house would overlook the west elevation of the proposed house, and be only 25 feet away.

In response to this concern, the applicant shifted the footprint of the house forward to be in line with the front building setback already established on the street, and reduced the square footage of the home in an effort to further increase the rear yard area. Although this effort satisfied staff's concern about the front setback of the home, and generally addressed the concern of preserving the rear yard of the home as open area to be consistent with the rest of the block, the house will still span most of the entire length of the rear face of the house located to the south on Mount Ida and be a barrier like presence where a truly consistent layout would have preserved the view to a more open rear yard.

However, staff acknowledges that the house to the south is situated on a large lot with considerable open space on either side. Therefore, the rear yard view may not be as critical for it as it is for houses on the smaller and narrower lots found on Hemlock. Additionally, under the R-8 zoning, the other houses on the block can theoretically build additions resulting in smaller rear yards.

Parking

The parking was initially proposed as side by side in the front yard of the home. Staff found that this arrangement created an unnecessary clutter of vehicles in the front yard area and more paving than required. Staff recommended tandem parking to alleviate this problem, and the applicants agreed that they could incorporate it into the design.

Design Elements

The applicants proposed a number of designs for the dwelling in an effort to satisfy staff's concerns about its compatibility with the existing character of the neighborhood. As stated earlier, the neighborhood is a mix of architectural styles, including the traditional style that is proposed by the applicant, so staff did not have a concern about the particular architectural style. However, staff worked with the applicant on some of the specific design elements of the house that staff found to be inconsistent with the neighborhood. For example, staff had a concern that the applicants' initial proposal lacked a prominent front entrance, and instead consisted of merely four glass doors at the front, with the main entry from a side door of little distinction. A prominent front entrance is an element found on every other home on the block and serves to create more of a presence and connection to the public street.

Staff worked with the applicants on various designs that would preserve the interior layout that they desired, but would also include a prominent entrance and street presence. The applicants added a portico and bungalow columns to the side entry, giving it more distinction. More importantly, the applicants also added a decorative cover to the windows located at the front of the house giving more of a street presence and making it more consistent with neighboring houses.

The exterior design of the home has changed considerably since the applicants' first proposal, and staff found improvement with each draft. In addition to the work on the front facade, the south elevation, visible from Mount Ida, and a strong visual presence for the neighbor to the south, is now more streamlined and less cluttered with fewer design elements than what was originally proposed. In regard to the glass block feature, staff is not aware of a precedent in the neighborhood for this element and does not find it to be particularly in character with the houses in the immediate vicinity. However, the applicants are adamant that this element is integral to the design of the home and cannot be compromised. Given that the applicants have satisfied staff's concerns on the other critical design elements, such as the front and side entrances, and have greatly improved the design of the western elevation, staff is willing to accept the glass block, given its importance for the applicant.

Conclusion

The applicant has been cooperative in responding to staff's concerns about site layout, parking and design elements. The final product being proposed is a home that will not be bulky and is generally in character with the mix of styles of homes found in the area. Although staff would prefer a larger rear yard to be more consistent with the pattern of open rear yards on the block and to preserve the open view, particularly for the home located to the south, other homes on the block could make additions leaving a similar sized rear yard, and the home to the south will maintain the open views in its large side yards..

With conditions, staff recommends approval of this special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The construction of this residential unit may result in land disturbing activity in excess of 2500 square feet. If so, applicant is required to comply with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control. The applicant may request, in writing to the Director of T&ES, a waiver from the requirements of the ordinance.
- C-1 All utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-2 Pay sanitary sewer tap fee prior to issuance of a building permit in accordance with city ordinance #4257.
- C-3 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- R-1 A PLOT PLAN showing all improvements, alterations and utility services to the site must be approved by T&ES prior to issuance of a building permit.
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- R-3 An erosion and sediment control plan that complies with City Code Section 5-4-1 must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet.
- R-4 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. 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.
- R-5 If fireplaces are to be included in the new house, the applicant is required to install gas a fireplaces to reduce air pollution and odors. Animal screen must be installed on chimneys.

Code Enforcement:

- C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 A soils report must be submitted with the building permit application.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections.