

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 # 2005-0019

Approved by City Council on: May 14, 2005

Permission is hereby granted to: Mark R. Poskaitis

to use the premises located at: 29 East Walnut Street

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.

7-14-05

Date

Eileen P. Fogarty / KMT

Eileen P. Fogarty, Director
Department of Planning and Zoning

Docket Item #4
SPECIAL USE PERMIT #2005-0019

Planning Commission Meeting
May 3, 2005

ISSUE: Consideration of a request for a special use permit to construct a single family dwelling on a substandard lot and for a parking reduction (tandem parking).

APPLICANT: Mark R. Poskaitis
by Duncan Blair, attorney

LOCATION: 29 East Walnut Street

ZONE: R-2-5/Residential

CITY COUNCIL ACTION, MAY 14, 2005: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION MAY 3, 2005: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

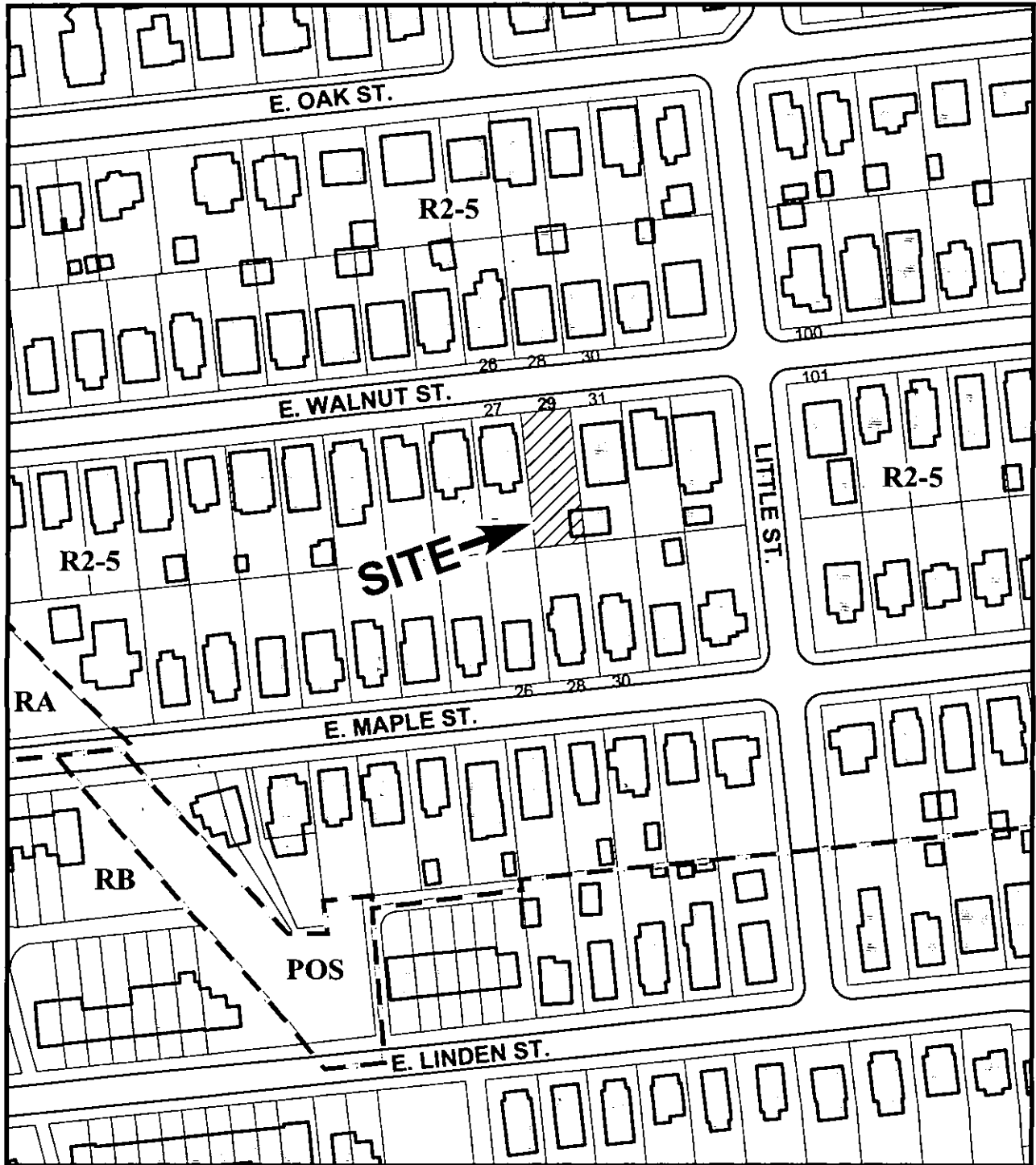
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

John Timmons, property owner at 30 E. Maple, discussed his concern for water drainage onto his property when the house was built. Emily Baker, T&ES, explained that a plot plan will be required for construction of the house, and drainage issues would be addressed at that time.

Duncan Blair, attorney, said he will discuss drainage issues with the civil engineer preparing the plan.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



SUP #2005-0019

05/03/05



I. DISCUSSION

REQUEST

The applicant, Mark Poskaitis, requests special use permit approval to develop a single family home on a substandard lot and for a parking reduction (tandem parking) at 29 East Walnut Street.

SITE DESCRIPTION

The subject property is one lot of record with 40 feet of frontage on East Walnut Street, 110 feet of depth and a total lot area of 4,400 square feet. The site is vacant, except for an existing shed that sits on two properties, and is used as an extended side yard for the adjacent residence at 31 East Walnut Street. There is an existing curb cut and driveway apron on the subject property. The surrounding area is developed with single family homes.



PROJECT DESCRIPTION

The applicant proposes to develop a single family house on what is now a vacant lot. Two parking spaces will be provided in a tandem configuration, which requires a request for a parking reduction.



SUBSTANDARD LOT REGULATIONS

The subject lot was created prior to the enactment of zoning regulations for the R-2-5 zone in the City, and is smaller than the lot requirements of the R-2-5 zone. The R-2-5 regulations and the existing lot dimensions are as follows:

	<u>R-2-5 Requirements</u>	<u>Existing lot Dimensions</u>
Lot area	5,000 sq ft	4,400 sq ft
Lot width	50 ft	40 ft

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. In this case, 28 of the 30 lots in the block face contain 4,400 square feet or less of lot area and have 40 feet of frontage. The remaining two lots are corner lots and contain more than 4,400 square feet of lot area and more than 40 feet of frontage. The subject lot meets the threshold allowing it to proceed to request a special use permit.

Under Section 12-402 (C) of the Zoning Ordinance, 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:

- (1) Will not unreasonably impair an adequate supply of light and air to the adjacent property,
- (2) Will not diminish or impair established property values in the surrounding areas, and
- (3) Will be compatible with the existing neighborhood character.

BULK AND OPEN SPACE REGULATIONS

The applicant proposes to develop the property with a single family house (see attached drawings). The proposed house complies with the R-2-5 bulk and open space regulations in the following way:

	<u>R-2-5 Required</u>	<u>Proposed</u>
Front Yard Setback:	25 ft	28ft
Side Yard Setback:	7ft	7ft
Rear Yard Setback:	20ft 6in	35ft
FAR:	.45	.44
Height:	35 ft	26 ft

PARKING

According to Section 8-200 (A)(1) of the Zoning Ordinance, a single family residential dwelling requires two parking spaces. In this case, the applicant is proposing two surface parking spaces, and proposes that they be tandem. There is already a curbcut on the property, which will be used to access the proposed driveway and the two tandem parking spaces.

ZONING/MASTER PLAN

The property is located in the R-2-5/Single and two-family zone. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for residential use.

II. STAFF ANALYSIS

Staff supports the proposed development of this substandard lot, finding the proposal reasonable under the substandard lot regulations for infill development. The size of the property and its frontage is consistent with 18 of the 21 lots on the blockface that are already occupied by single family houses. The applicant proposes to save the two large trees at the front of the property, including the large 24-inch tree straddling the property line with 31 East Walnut. The design of the house, including the front porch, is consistent in character with homes found in the area, the proposed setbacks and floor area ratio comply with current zoning requirements, and two parking spaces will be provided.

Staff was concerned about the front setback of the house. Although it complies with current zoning, the proposed front setback is greater than that of the rest of the block, interrupting the continuous

street wall that exists. The proposed house was originally set back about 9.5 feet farther than the house to the east and 16 feet farther than the adjacent existing houses. The zoning ordinance allows modifications to yard requirements, and City Council has approved them on other substandard lot cases when they were to make the setbacks more consistent with the neighborhood. Staff worked with the applicant on trying to reduce the front setback. However, moving the house forward 9.5 feet threatens a 24-inch tree on the property, and would reduce the parking on the property to only one parking space instead of the two tandem spaces that are proposed. Parking is only permitted on the south side of the street on this block of East Walnut, and some homes on the block only have one on-site space. Therefore, staff recommends that the applicant extend the front porch by two feet, which preserves two parking spaces and saves the tree, still complies with the FAR and front setback requirement, and brings the house closer to the existing street wall. On balance, staff finds that this is a good solution.

The house is large compared to some of the existing houses in the area. However, the design of the house is consistent with the development pattern in the area, appearing like an original house in the neighborhood with an addition. This design also minimizes the bulk and mass of the house.

Staff recommends a condition that the applicant provide tree preservation measures during construction for the two trees at the front of the property. Staff also recommends that the driveway be constructed of permeable material. Finally, because of the importance of the front porch in making the house consistent with existing homes in the area, staff recommends that the front porch remain open.

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

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall provide tandem parking for two vehicles for the house. (P&Z)
3. The applicant shall take appropriate measures to protect the 14-inch and 24-inch trees on the north side of the property during the construction process, to the satisfaction of the City Arborist. (City Arborist)(P&Z)
4. The driveway and walk surfaces shall have minimal paving and be constructed of mostly permeable elements. (P&Z)
5. The porch shall remain an open porch. Screens, windows, walls, or any other type of enclosure material on the porch shall be prohibited. (P&Z)
6. The size and design of the house shall be consistent with the attached drawings, except that the porch depth shall be increased by two feet to the satisfaction of the Director of Planning and Zoning. (P&Z)
7. A PLOT PLAN showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)
8. Applicant shall be responsible for repairs to the adjacent City right-of-way if damaged during construction activity. (T&ES)
9. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)
10. If construction of the residential unit(s) result in land disturbing activity in excess of 2,500 square feet. The applicant is required to comply with the provisions of Article XIII of the City's Zoning Ordinance for stormwater quality control. (T&ES)

11. 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)
12. Address should be clearly marked in the front and back for emergency response purposes. (Police)
13. Prior to the issuance of building permits for the house, the applicant shall remove or relocate the existing shed from the property, in compliance with Code requirements and to the satisfaction of the Director of Planning and Zoning. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 A PLOT PLAN showing all improvements and alterations 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 must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet.
- R-4 If construction of the residential unit(s) result in land disturbing activity in excess of 2500 square feet. The applicant is required to comply with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control.
- R-5 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.
- 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.(Sec. 5-6-25)
- C-3 Any work within the right-of-way requires a separate permit from T&ES.(Sec. 5-3-61)
- C-4 Electrical hookup must be undergrounded.
- F-1 T&ES has no objection to the applicant's request

Code Enforcement:

- F-1 The resubmitted plat plan shows a garage structure occupying two lots which includes the lot for this SUP. The ownership of this garage needs to be identified in order to evaluate code compliance within the lot for existing and proposed structures. The lot line cannot divide the garage structure. Because the garage structure is located 2 feet from the proposed porch / master bedroom, there is a fire separation issue. The garage shall be modified to occupy only one lot or the lot line and proposed new dwelling design shall be modified to meet the requirements of the USBC.
- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance.
- C-2 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-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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.
- C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Health Department:

No Comments

Police Department:

- R-1 Address should be clearly marked in the front and back for emergency response purposes.
- F-2 No objections.

Historic Alexandria (Archaeology):

No comments.

Parks and Recreation:

- F-1 Existing 24" tree does not qualify as a specimen tree, however, proposed construction may negatively impact tree.
- R-1 Provide appropriate tree protection.