

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# 2005-0114

Approved by City Council on: February 25, 2006

Permission is hereby granted to: Brett Rice

to use the premises located at: 301 Laverne 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.

4-3-06

Date

Eileen P. Fogarty/kms

Eileen P. Fogarty, Director
Department of Planning and Zoning

Docket Item #9
SPECIAL USE PERMIT #2005-0114

Planning Commission Meeting
November 1, 2005

ISSUE: Consideration of a request for a special use permit to construct a single family on a substandard lot.

APPLICANT: Brett D. Rice

LOCATION: 301 Laverne Avenue

ZONE: R-2-5/Single and two-family zone

CITY COUNCIL ACTION FEBRUARY 25, 2006: City Council reversed the Planning Commission decision and approved option # 3, with a condition that the fence be no more than 42 inches in height.

CITY COUNCIL ACTION, JANUARY 10, 2006: Councilman Krupicka moved that City Council rescind the vote on the Special Use Permit for the property at 301 LaVerne Avenue and directed staff to redocket the item next month and work with the applicant on a plan that would be consistent in scale with the neighboring property and that maximizes the light and air on the corner of the property.

Councilman Macdonald requested that staff provide all records pertaining to votes from the Del Ray Civic Association to Council.

CITY COUNCIL ACTION, DECEMBER 17, 2005: City Council approved the Planning Commission recommendation for denial.

CITY COUNCIL ACTION, NOVEMBER 12, 2005: City Council deferred this item at the request of the applicant.

PLANNING COMMISSION ACTION, NOVEMBER 1, 2005: On a motion by Mr. Komoroske, seconded by Mr. Leibach, the Planning Commission voted to recommend denial of the request. The motion carried on a 7 to 0 vote.

Reason: The Planning Commission found that the proposed development would impair an adequate supply of light and air to the adjacent properties, would somewhat impair the established property value in the surrounding area, would not be compatible with the existing neighborhood character, and found that other reasonable uses exist for the property.

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Speakers:

Melinda Douglas, resident at 204 LaVerne, spoke in opposition to the request. Ms. Douglas was concerned about the loss of mature trees, the reduction of light and air, and that the eclectic character of the street should not be justification for the SUP.

Allen Flanigan, resident at 309 LaVerne, spoke against the request, discussing concerns about the loss of open space and mature trees, and that it is an investment property.

Ellen Pickering spoke against the request, citing that the property was nominated as a pocket park by 18 area residents, and suggested that the applicant could donate the property to the City for a tax deduction.

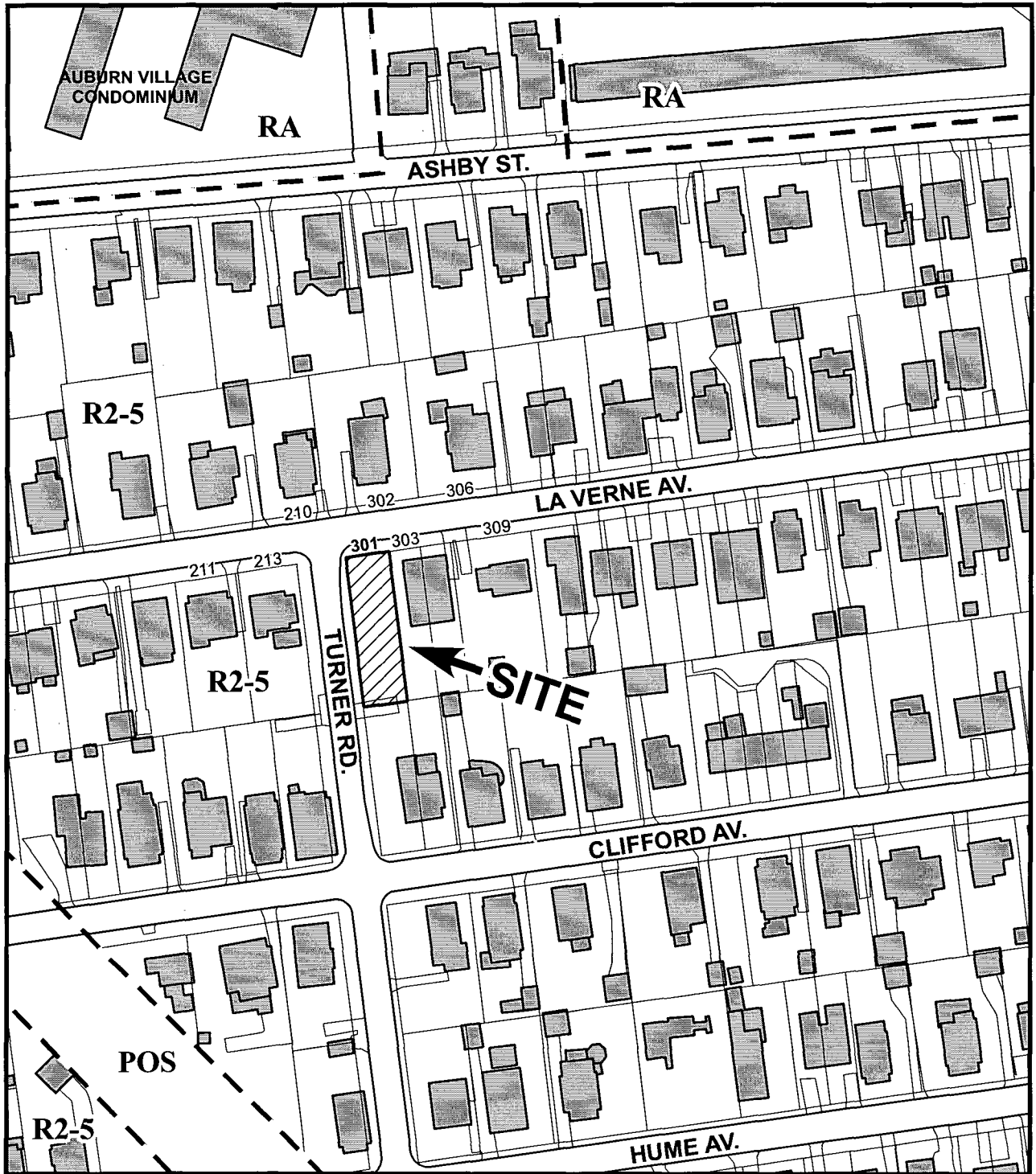
Jack Williams, resident at 211 LaVerne, spoke against the request, stating that the lot is small and that the modifications should not be permitted to develop the lot.

Sarah Pearson, resident at 210 LaVerne, spoke against the proposal, stating that she concurs with her neighbors, and that the property was used as the side yard for the adjacent property prior to this application.

Amy Slack, Del Ray Land Use, spoke in support of the proposal, stating that the design and architecture were in character with the neighborhood, and that they support the installation of curb, gutter and sidewalk along Turner, which the applicant agreed to install and fund.

STAFF RECOMMENDATION: Staff recommends **denial** of this application. (If this application is approved by City Council, staff recommends the approval be subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report).

1. a



SUP #2005-0114

11/01/05



I. DISCUSSION

REQUEST

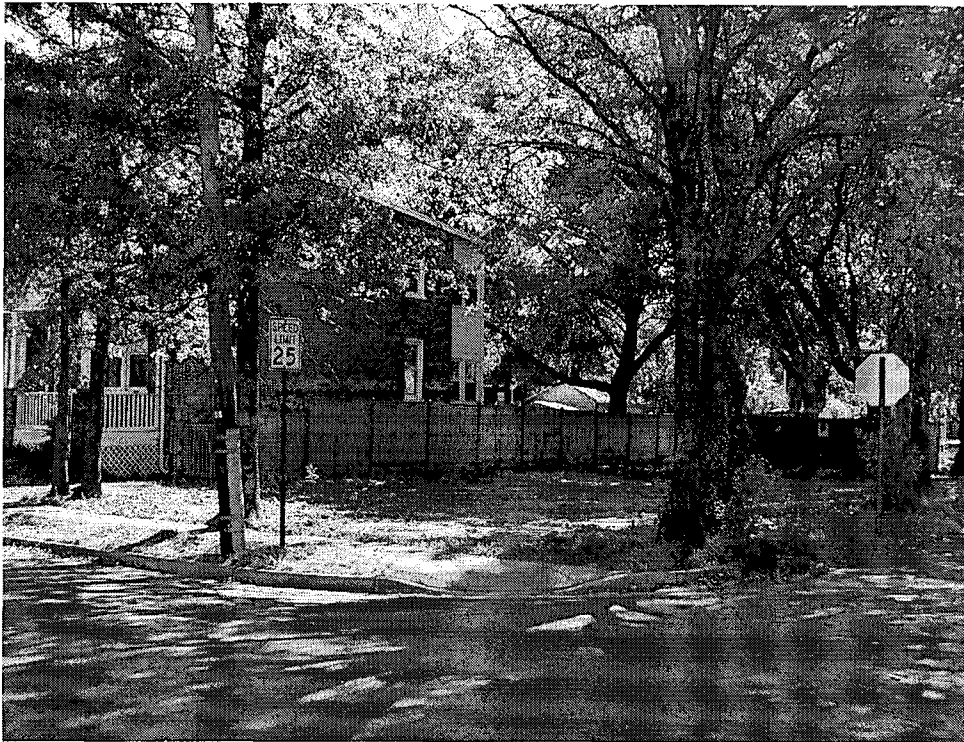
The applicant, Brett D. Rice, requests special use permit approval to develop a single family home on a substandard lot at 301 Laverne Avenue.

SITE DESCRIPTION

The subject property is one lot with 35 feet of frontage on Laverne Avenue, 120 feet of depth and a total lot area of 4,200 square feet. The site is currently vacant, with a number of trees especially along the border of the property. The surrounding area is developed with single family homes, townhouses and semi-detached dwellings. Immediately adjacent to the lot is a semi-detached dwelling.

PROJECT DESCRIPTION

The applicant proposes to develop a single family house on what is now a vacant corner lot.



301 LaVerne (Subject Property)

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</u> <u>Requirements</u>	<u>Existing lot</u> <u>Dimensions</u>
Lot area	6,500 sq ft	4,200 sq ft
Lot width	65 ft	35 ft (120 ft Turner front)

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.

Staff has determined that the subject lot meets the threshold allowing it to proceed to request a special use permit. The subject lot contains at least the lot area and lot width of approximately 55% of the lots in the block face. It is the same size or larger than 23 out of the 42 lots. It may therefore seek a special use permit for development.

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. The proposed house complies with the R-2-5 bulk and open space regulations in the following way:

Front Yard Setback:	25 ft	14 ft (Laverne Ave) 9 ft. (Turner Rd)
Side Yard Setback:	1:3 (8.34 ft)	7 ft
FAR:	.45	.36
Height:	35 ft	25 ft. 1/4 in.
Vision Clearance:	100 ft	63 ft 3.8in

MODIFICATIONS

The zoning ordinance recognizes that building a house on a lot that is not as large as the zone anticipates 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. In this case, the applicant requests a modification of the both required **front yards**, the **side yard**, and the **vision clearance** requirements.

In support of the requested modifications, the applicant surveyed the setbacks of 35 existing corner houses within two to three blocks of the subject property and found that most have front setbacks that are less than the required 25 feet. Staff agrees that the front setbacks in the area are generally less than what zoning requires.

PARKING

According to Section 8-200 (A)(1) of the Zoning Ordinance, a single family residential dwelling requires two parking spaces. The applicant is proposing two surface parking spaces accessed from Turner Street. There is currently no curb, gutter, or sidewalk on the Turner Street side of the property. The applicant is proposing to install curb, gutter and sidewalk along the Turner Road frontage of the property.

SUP HISTORY

On November 18, 1995, City Council approved Special Use Permit #95-0129 allowing the construction of a single family dwelling on the same substandard lot with a modification to the front yard setback requirement and a reduction in the off-street parking requirement. Section 11-506(c) of the zoning ordinance requires that construction be commenced and substantially pursued within 18 months or the special use permit becomes void.

On May 15, 1997, prior to the expiration of 18 months, the applicant requested an SUP to extend the time of the original approval. On September 13, 1997, City Council denied Special Use Permit #97-0080 for the extension of the SUP. The Planning Commission recommended denial in both the original (1995) and the extension (1997) cases finding that the proposal was not in character with the neighborhood. At the Council hearing in 1997, Council members discussed the fact that the applicant had failed to pursue the project, and that neighbors objected to the development.

In 2003, the City received an application for development of this substandard lot and for a parking reduction. The Planning Commission recommended denial of the request based on the proposed house not being in character with the neighborhood. The City Council, at their November 13, 2004 meeting, denied the requested SUP, agreeing with the Planning Commission's recommendation, finding that the proposed house was too large for the property and would create too much density for the neighborhood, that a smaller house had been proposed and denied by the Commission two times before, and that there are only two other corner properties in the area that are developed with single family homes on lots of the same size or smaller.

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.

HISTORIC DISTRICT

The property is located in the Town of Potomac historic district.

II. STAFF ANALYSIS

Staff does not support the proposed single family house located at 301 Laverne Avenue. Staff finds the proposal not compatible with the character of the neighborhood.

The substandard lot regulations are one of the tools the city has by which to judge infill development in established neighborhoods. They incorporate two important policy elements. First, there is a complex test of basic neighborhood compatibility by which the lot size and width are compared to existing lots in the immediate neighborhood. In order to move forward in the process, the substandard lot must be similar in size to those around it. Second, such lots are then subjected to a discretionary process under which they are judged by staff, the planning commission and city council, against the primary standard of compatibility with the neighborhood character. In that process, the impacts of the proposal on its neighbors from a design, open space, parking perspective are all relevant. Modifications to otherwise applicable zoning regulations are allowed in order to make the proposed house similar to and in character with the established homes around it.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER

The existing character of the neighborhood includes a mix of single family, semi-detached, and townhouse developments of simple designs, developed in a grid street pattern. Single family homes are generally on lots of at least 5,000 square feet or more, while townhouses and semi-detached dwellings are on smaller lots of less than 5,000 square feet, often half that size. Dwellings are typically situated close to the street. Some properties have off-street parking accessed by a private driveway, and some have only on street parking. Staff's evaluation of whether the proposal is compatible with the existing neighborhood character included the following issues:

Lot Size:

The subject lot measures 4,200 square feet. Although there are a number of lots in the area that are this small, most of those are occupied by semi-detached or townhouse style structures which, under current zoning, require a minimum of 4,000 square feet. The small size of the lot makes it difficult to develop a single family home, and the problem is exacerbated because the property is a corner lot which, under the zoning ordinance, should be at least 6,500 square feet in size for a single family home.

Lot Size Relative to Other Corner Properties:

Staff conducted an analysis of the corner properties in the area of the subject property to find if there was an established pattern of single family homes developed on corner properties of this size in the neighborhood. Most of the lots in this part of the original St. Elmo subdivision were 25 feet wide and 2500 square feet in size. Many of the single family homes in the area have been developed on two combined lots. As shown on the map below, staff found that of all of the corner properties in this area, only two were developed with single family houses on properties of 4,200 square feet or less. The proposed single family house on a substandard corner lot of 4,200 square feet is not consistent with the existing corner development pattern in the neighborhood.

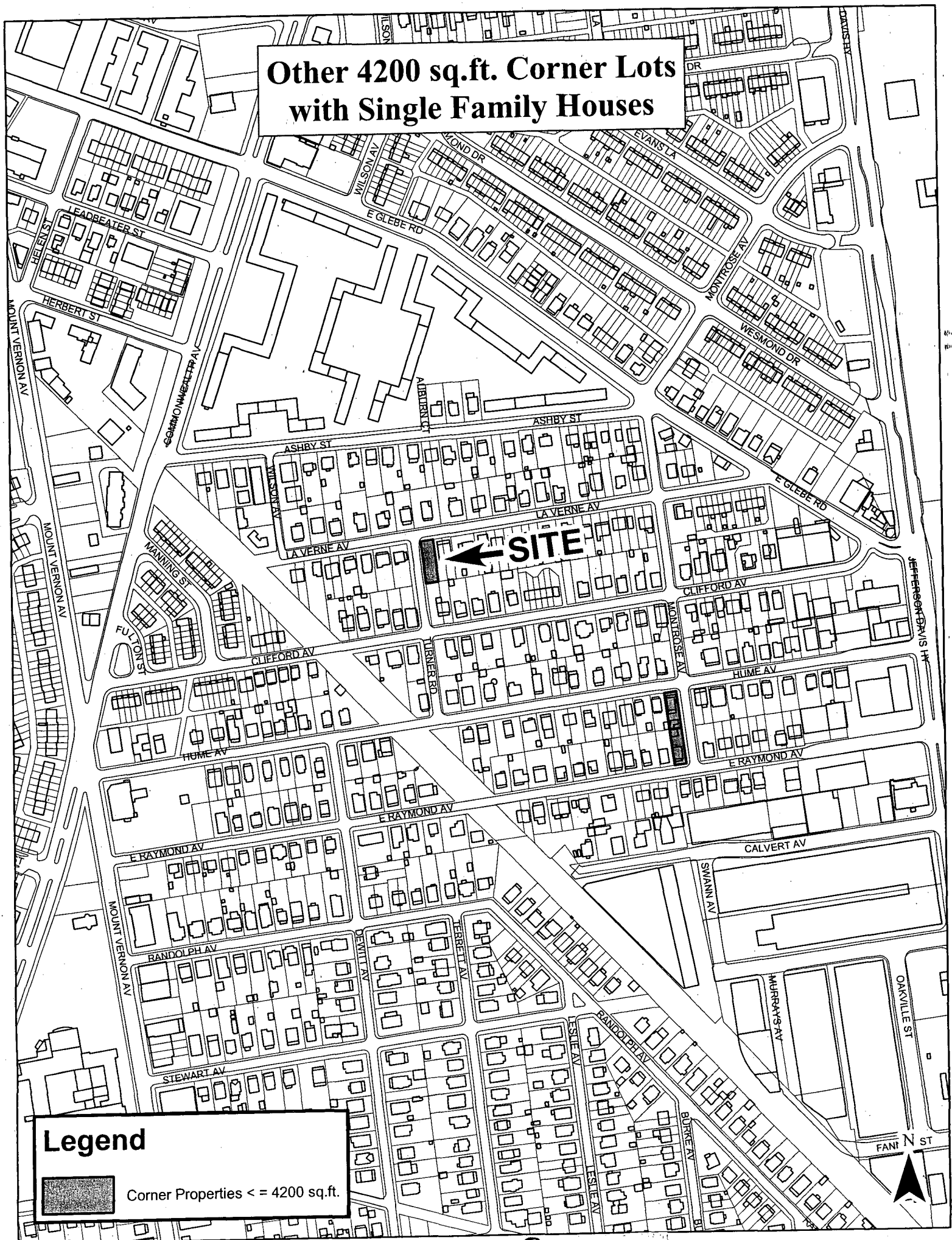
Other 4200 sq.ft. Corner Lots with Single Family Houses

← SITE

Legend



Corner Properties \leq 4200 sq.ft.



Modifications:

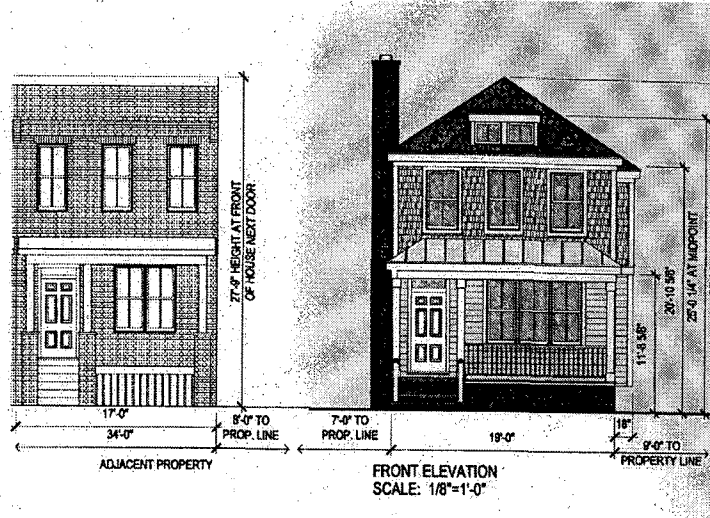
The zoning ordinance recognizes that building a house on a lot that is not as large as the zone requires may necessitate modifications of the standard zoning rules. Staff can support modifications when they help create development in a way that is more consistent with its immediate surroundings and with the established pattern in the neighborhood than strict compliance with the zoning ordinance would allow. In the subject case, some of the modifications are supportable however, others show how difficult it is to build the proposed house on this small lot.

The applicant in this case surveyed the front setbacks of a number of corner properties in the vicinity of the subject property and found that the majority have setbacks less than what the zoning currently requires. The area was built, in the main, prior to the adoption of the current zoning requirements, so the applicant's findings are not surprising. In addition, the surveyed properties are larger than the subject parcel, and in some cases are developed with semi-detached dwellings, discounting their relevance to the requested modifications for the subject property. However, staff agrees that as to the front setback requirement on Laverne, the proposed modification is desirable so as not to have a new house out of character with the others nearby. On the Turner Street frontage however, the small setback (9 feet to the building wall) is problematic, as it allows a structure very close to the street, and out of character with the setback of the house behind it.

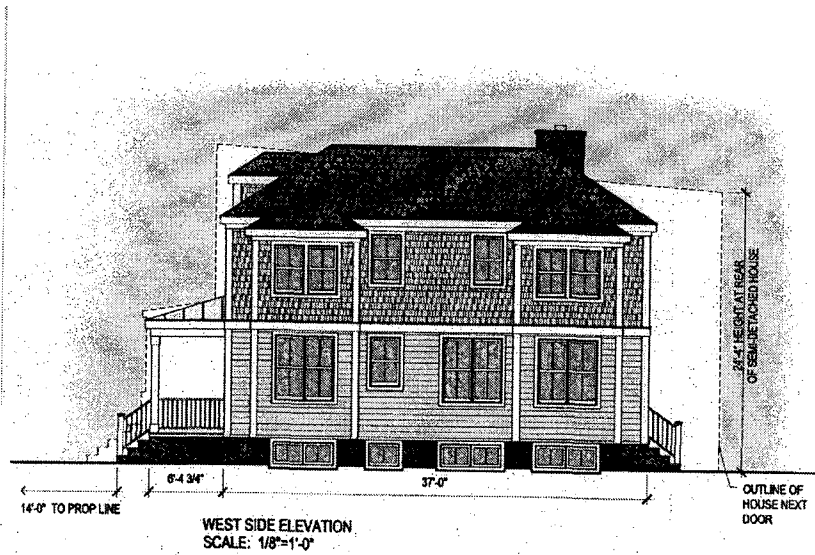
Staff does not object to a vision clearance modification, in that the streets affected are neighborhood, residential streets, with relatively slow traffic, and because there is a stop sign at Turner Road.

Size and Height of proposed building:

The proposed dwelling is to be developed at an FAR of 0.36. Up to a 0.45 FAR is allowed in the R-2-5 zone. The house would be two and a half stories in height (25 feet, 1/4 inch to the midpoint of the roof, and 28 feet, 1 3/4 inches to the ridge of the roof). The size of the house has been reduced somewhat from the previous proposal, however, the height of the house has increased somewhat.



LaVerne Avenue Facade



Turner Road Facade

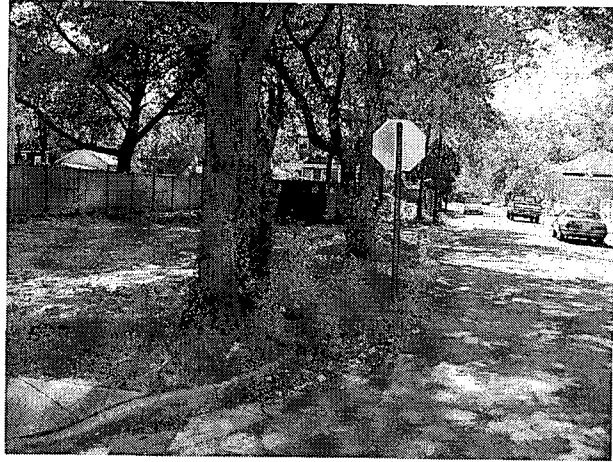
Design:

The Town of Potomac historic district has a large concentration of residential architecture from the 1890s through 1941. The 200 and 300 blocks of Laverne Avenue have a number of structures on the Town of Potomac Historic District Inventory of contributing buildings. The style of these structures are predominantly Four Squares, but also includes Bungalows, Folk Victorians, and simplified New-Colonials.

The new design is shorter than the previous design submitted to the Planning Commission last year, although, about on par with what was presented to the City Council last year. The use of a hip roof rather than gable with the end oriented to the street reduces the visual impact of the roof. The height and length of the house as shown are more in keeping with the adjacent structure. The use of bay windows may be somewhat unusual for historic houses of this type, but it is not inappropriate for the proposed house and serves to add interest to the elevation and breaks up the massing.

TREES

The subject property includes 11 mature trees, with most of them located along the Turner Road side. There are three less trees than were present on the property when the application was heard last year. The applicant indicated that these trees had died and had to be removed. Staff had previously discussed with the applicant the importance of preserving trees as part of any development. The trees are an important element of the property, and saving them would make a development of the property more favorable. During review of the previous application, heard last year, the City Arborist concluded, and the applicant's arborist agreed, that it would be difficult to save the trees with any development on the property. The current proposed development would require removal of an 8 inch pin oak, and a 22 inch pin oak on the property and several trees in the area where a sidewalk is proposed. The applicant does propose to install 11 new trees to mitigate the loss of the mature trees. The applicant does not indicate a caliper size of these trees. In any event, staff finds that the removal of the mature trees on this small site is a significant loss to the community, even with new replacement plantings, and should not be supported when accommodating the development of a substandard lot that is not in character with the neighborhood.



Trees along the Turner Road frontage of the property

PARKING:

The applicant proposes to install two surface parking spaces at the rear of the house. While the proposed driveway will provide the two required spaces, it will impact two existing trees, which will have to be removed.

RECOMMENDATION:

Staff cannot support this request, finding that the development of the proposed single family house on this corner lot of only 4,200 square feet is not in character with the neighborhood. The development causes a number of mature trees to be lost. In the event that the application is approved, staff has included a number of conditions intended to soften the significant impacts of the proposed development.

III. RECOMMENDED CONDITIONS

Staff recommends **denial** of this application. If this application is approved by City Council, staff recommends the approval be subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant shall install at least 11 new trees on the property of at least a 4" caliper, the majority of which shall be placed along the street frontages. (P&Z)
2. The driveway and walk surfaces shall have minimal paving and be constructed of mostly permeable elements. (P&Z)
3. Modifications for the front yards, vision clearance and side yard requirements are granted. (P&Z)
4. In order that the existing trees may be preserved, the applicant shall not install sidewalk on the Turner Road frontage. (P&Z)
5. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding security hardware for the new home. This is to be completed prior to the commencement of construction. (Police)
6. 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)
7. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
8. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
9. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
10. 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)

11. The applicant must comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control which includes requirements for pollutant load reductions and treatment of the Water Quality Volume Default (WQV): (T&ES)
12. The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4.
13. 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)
14. 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)

STAFF:

Eileen Fogarty, Director, Department of Planning and Zoning;
Rich Josephson, Deputy Director.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Where the construction of a residential unit that results 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. The applicant may request, in writing to the Director of T&ES, a waiver from the requirements of the ordinance. Contact the Division of Environmental Quality, T&ES (703/519-3400, ext. 219) for information. 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)
- 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. (T&ES)

Staff did not recommend the following condition because, if the application is approved, installing sidewalk, curb, and gutter will make the ability to save the trees more difficult.

- R-2 Section 8-1-17 of the City Code requires that curb, gutter and sidewalk be installed at the property owner's expense whenever construction or alteration of a building site will increase the fair market value of the property by more than 50 percent. However, the City Manager has the authority to waive this requirement upon finding that installation of the public improvements will not be compatible with the character of the neighborhood or serve a substantial useful purpose. Provide a design for the missing curb/gutter and sidewalk to be installed as part of this project or seek waiver for same. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
- R-6 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)

- R-7 The applicant must comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control which includes requirements for pollutant load reductions and treatment of the Water Quality Volume Default (WQV). (T&ES)
- R-8 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4.
- R-9 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)
- R-10 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)
- 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. 5-6-25.1)
- C-3 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-4 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-5 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- C-1 All exterior walls within 3 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 porches with roofs and 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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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-8 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-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding security hardware for the new home. This is to be completed prior to the commencement of construction.