



DOCKET ITEM #7
Special Use Permit #2015-0001
5447 Fillmore Avenue

Application	General Data	
Public hearing and consideration of a request to construct a new single-family dwelling on a vacant, substandard lot with modifications.	Planning Commission Hearing:	March 3, 2015
	City Council Hearing:	March 14, 2015
Address: 5447 Fillmore Avenue	Zone:	R-20/Residential Single-Family
Applicant: Eric Teran	Small Area Plan:	Alexandria West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Taryn Toyama, taryn.toyama@alexandriava.gov

CITY COUNCIL ACTION, MARCH 14, 2015: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, MARCH 3, 2015: On a motion by Commissioner Koenig, seconded by Commissioner Macek, the Planning Commission voted to recommend approval of the request subject to all applicable codes, ordinances, and staff recommendations; including an amendment to Condition #2. The motion carried on a vote of 6 to 0 with Commissioner Lyle absent.

Reason: The Planning Commission agreed with staff analysis and the suggested edits in the corresponding staff memo to amend portions of the staff report and Condition #2 to correct the calculation error made for the front yard setback survey along North Rosser Street.

Speakers:

Eric Teran, applicant, spoke in support of the proposal. Mr. Teran also provided the Planning Commission with new diagrams at the meeting depicting additional information on the proposed home.

Joseph Labow, realtor for the property owner, also spoke in support of the proposal.



SUP #2015-0001
5447 Fillmore Avenue



I. DISCUSSION

The applicant, Eric Teran, is the contract purchaser for the property in question and requests Special Use Permit (SUP) approval to construct a new single-family dwelling on a vacant substandard lot, with modifications at 5447 Fillmore Avenue.

SITE DESCRIPTION

The subject property is one vacant lot of record with 124.5 feet of lot frontage along North Rosser Street; 62.5 feet of lot frontage along Fillmore Avenue; 75 feet of depth along the north side property line; 137 feet of depth along the west side property line and total of 10,141 square feet of lot area. The subject property is surrounded by other single-family dwellings.



PROPOSAL

The applicant requests SUP approval to construct a new two-story single-family dwelling on this vacant substandard lot. The proposed dwelling would measure 25 feet in overall height as measured to the average pre-construction grade with a proposed net floor area of 2,532 square feet. The applicant is also the architect for the project and plans to live in the home with his family if the SUP is approved. After living in a rental property in Alexandria, the applicant is hoping to set down permanent roots in the community.

The proposed home's contemporary look is designed to use significantly less energy than a typical compact mid-Atlantic regional home. The applicant is attempting to design a home using the Passive House principles developed by the Passive House Institute, US (PHIUS) and other sustainable design programs, such as LEED for Homes, Earth Craft and the Living Building Challenge. If approved for the SUP, the applicant will apply for Passive House certification from PHIUS. If he is successful in achieving this certification, the new home would be the first certified Passive House in the City of Alexandria. Currently, there are only 120 residential projects certified nationwide, and only one other home in Northern Virginia (Falls Church) has achieved this certification.

PARKING

Pursuant to section 8-200(A)(1) of the Zoning Ordinance, a minimum of two standard size parking spaces are required for single-family detached dwellings. The applicant meets this requirement by providing two standard size parking spaces in the proposed detached garage.

MASTER PLAN DESIGNATION

The proposed single-family residential use is consistent with the Alexandria West Small Area Plan which designated this property for low density residential development.

ZONING

This is an application for construction of a dwelling on a vacant substandard lot, which qualifies for development and automatically triggers the requirement for SUP approval. Construction, on the other hand, of a dwelling on a previously developed substandard lot would only require SUP approval if the proposed dwelling would be larger, by more than 10 percent, or taller than the existing dwelling.

R-20 Lot Requirements

The subject property is located in the R-20/Single-Family Residential zone. This corner lot maintains two front yards – one facing Fillmore Avenue and one facing North Rosser Street - and requires a minimum lot size of 20,000 square feet, a lot frontage of 75 feet, and a lot width (at the front building wall) of 120 feet. The lot is substandard as to its lot area, lot frontage (facing Fillmore Avenue) and lot width at the building line (facing Fillmore Avenue).

Table 1: Minimum R-20 Lot Requirements

Requirement	R-20 minimum	Subject Property	Meet Minimum?
Lot size	20,000 square feet	10,414 square feet	No
Lot frontage (Fillmore Ave)	75 feet	62.5 feet	No
Lot frontage (N. Rosser St)	75 feet	124.5 feet	Yes
Lot width at building line (Fillmore Ave)	120 feet	75 feet	No
Lot width at building line (N. Rosser St)	120 feet	137 feet	Yes

Because this lot cannot meet all the minimum requirements of the R-20 zone, it is deemed substandard. However, the Zoning Ordinance does provide relief, should the lot meet the criteria detailed in section 12-401 of the Zoning Ordinance.

Vacant Substandard Lot Development Eligibility Test

Section 12-401 of the Zoning Ordinance regulates the development of vacant substandard lots. This section requires that the vacant substandard lot is a lot of record on December 28, 1951. The Zoning Ordinance states that:

Any lot in the R-20, R-12, R-8, R-5, R-2-5 or RA residence zones, which lot was of record on December 28, 1951, and continuously thereafter, but which lot has less area or less

width at the front lot line or front building line than the minimum required for use in the zone where it is situated (referred to hereafter in this section as a substandard lot), may be developed only with a single-family dwelling and its accessory buildings, subject to the following provisions:

- (A) No person has at any time from and after May 14, 1974, contemporaneously held any present or future freehold estate, except as trustee only, or an equitable interest of like quantum, in the substandard lot and in any contiguous land; and*
- (B) A special use permit is granted under the provisions of section 11-500; and*
- (C) City council, upon consideration of the special use permit, finds that the proposed development will not unreasonably impair an adequate supply of light and air to adjacent property, will not diminish or impair the established property values in the surrounding areas, and will be compatible with the existing neighborhood character.*

Based on the deed documents provided by the current owner, the subject property became a lot of record on May 17, 1946 in Fairfax County, before the City of Alexandria acquired the land (see Attachment 1). The Zoning Ordinance provides relief for the property owner because she did not knowingly create a substandard lot. Instead, the City of Alexandria annexed the land and subsequently placed the R-20 zoning over the existing subject property after 1952. Our records show that the lot was purchased by the owner, Graciela Mendizabal, on August 31, 1972 and that Ms. Mendizabal does not own any contiguous lots.

Zoning Analysis

Although the vacant lot is half the size of a typical R-20 lot, the proposed dwelling meets the R-20 requirements and adheres to the single-family infill regulations, with respect to setbacks, FAR, vision clearance, building height and threshold height, with the exception of the front yard setback along North Rosser Street. The applicant is requesting a front yard setback modification of 7.3 feet to allow for a portion of the front building wall (1.8 feet) and front porch (5.5 feet) in the required front yard setback based on the prevailing blockface survey. Although the applicant is requesting the front yard modification for the setback to be reduced to 46.5 feet along North Rosser Street, the entire home is setback further than the original front yard setback requirement of the R-20 zone, which had only required 40 feet before the adoption of the single-family infill regulations, and more importantly, the setback reduction is modest at the main building wall and is necessitated by the lot's substandard width.

Additional zoning elements of the proposal are listed in Table 2 below.

Table 2. R-20 Zoning Table

	Required		Proposed
Front Yard (N. Rosser)	53.8 ft*		46.5 ft
Front Yard (Fillmore)	48.6 ft*		52.3 ft
Side Yard (north)	1:2 with 12 ft min	12 ft	37.1 ft
Side Yard (west)	1:2 with 12 ft min	12 ft	12.1 ft
Building Height	Maximum 25 ft		25 ft
Threshold Height	4 ft**		3.4 ft
FAR	Max: 0.25 or 2,535 sq. ft		0.249 or 2,532 sq. ft
Parking	2 standard spaces		2 standard spaces
Parking/Driving in Required Yard	Max: 50 percent		Less than 50 percent

* Determined by front yard setback blockface survey.

** Determined by threshold blockface survey.

Section 12-401(C) requires that the construction project, if approved, will not unreasonably impair an adequate supply of light and air, will not diminish or impair the established property values in the surrounding areas, and will be compatible with the existing neighborhood character.

II. STAFF ANALYSIS

Staff supports the applicant’s proposal to develop this vacant substandard lot with a new single-family dwelling with the modification to the front yard along North Rosser Street. This property has been a lot of record since on December 28, 1951. The property owner did not knowingly create a substandard lot. Instead, the City of Alexandria annexed the land from Fairfax County and placed the R-20 zoning over the existing subject property after 1952. The applicant has demonstrated that the proposed home will not unreasonably impair an adequate supply of light and air, will not diminish or impair the established property values in the surrounding areas, and will be compatible with the existing neighborhood character as required by section 12-401(C) of the Zoning Ordinance. Additionally, the applicant has worked with staff to revise his plans to address architecture as well as zoning requirements. The final proposal, discussed here, addresses staff’s concerns.

Light and Air Adequacy

As previously analyzed in the Zoning section of this report, the proposed design of the new home will more than meet the side yard setbacks established by the R-20 zone maintaining adequate light and air to the adjacent parcels. The single-family infill regulations also ensure that the home will not be more than 25 feet tall, a standard created by the infill regulations as being an acceptable maximum height for a two-story dwelling in a changing neighborhood landscape.

The applicant has also determined the prevailing front yard setback for both Fillmore Avenue and North Rosser Street. Since the subject lot is a corner lot, it has even more restrictions than a normal interior vacant substandard lot, which only has one front yard to consider. The two prevailing front yard setbacks are 53.8 feet on North Rosser Street and 48.6 feet on Fillmore Avenue. The corner lot has a 100 foot vision clearance requirement at the corner of the lot that must remain unobstructed. The applicant complies with the front yard setback along Fillmore Avenue, as well as maintaining an unobstructed vision clearance, further maintaining minimal impact on light and air for adjacent parcels. The applicant requests a minor modification to the prevailing front yard setback along North Rosser Street to allow a small portion of the building wall and a front porch to be in the required front yard setback. Staff does not have any objections to this modification, since the majority of the building mass would sit behind the prevailing front yard setback line along North Rosser Street, and the lot's width makes compliance nearly impossible. The proposed house is only one room wide even with the requested modification.

The proposed Passive House design relies heavily on the natural light and air to create energy efficient heating and cooling during the winter and summer months, respectively. The applicant consciously designed the home to take full advantage of light and air, therefore creating minimal impact on neighboring homes.

Property Values

The City's Real Estate Department assessed the subject lot as a vacant substandard lot. It was not until September 2014 that the current owners produced evidence that the lot was a lot of record on December 28, 1951, allowing the vacant lot to be developed with an approved SUP. With the development on the new home on this vacant lot, the assessed value for the property will increase, creating real estate tax revenue as well as an increase in assessed value of the neighborhood.

Neighborhood Compatibility

The overall height, threshold height, architectural character and placement of the house on the lot are appropriate in this neighborhood. The new home is consistent in scale with existing homes in the neighborhood including immediately adjacent homes, while adhering to the single-family infill regulations applied by the R-20 zone.

The Dowden Terrace neighborhood has a variety of house styles and sizes. There is not a strong or singular design character in this neighborhood. Additionally, the bulk and placement of the homes along both Fillmore Avenue and North Rosser Street are also varied due to changes in zone and standard lot sizes.

Many of the lots along Fillmore Avenue to the east and west of the subject property are considered developed substandard lots in the R-20 zone. These lots were created prior to the City of Alexandria's annexation of the land in 1952, creating an undue restriction to the building bulk and placement since many of the lots are far smaller than the standard 20,000 square foot minimum. Conversely, the homes along North Rosser Street have a very different character. To the north of the subject property are standard R-20 lots, whereas the lots to the south change to the R-12 zone,

yielding larger houses due to a higher FAR allowance. Despite the varied lot sizes and changing zones, the applicant is proposing a new home that will fall in-line with many of the homes along both Fillmore Avenue and North Rosser Street by complying with the single-family infill regulations for height and bulk.

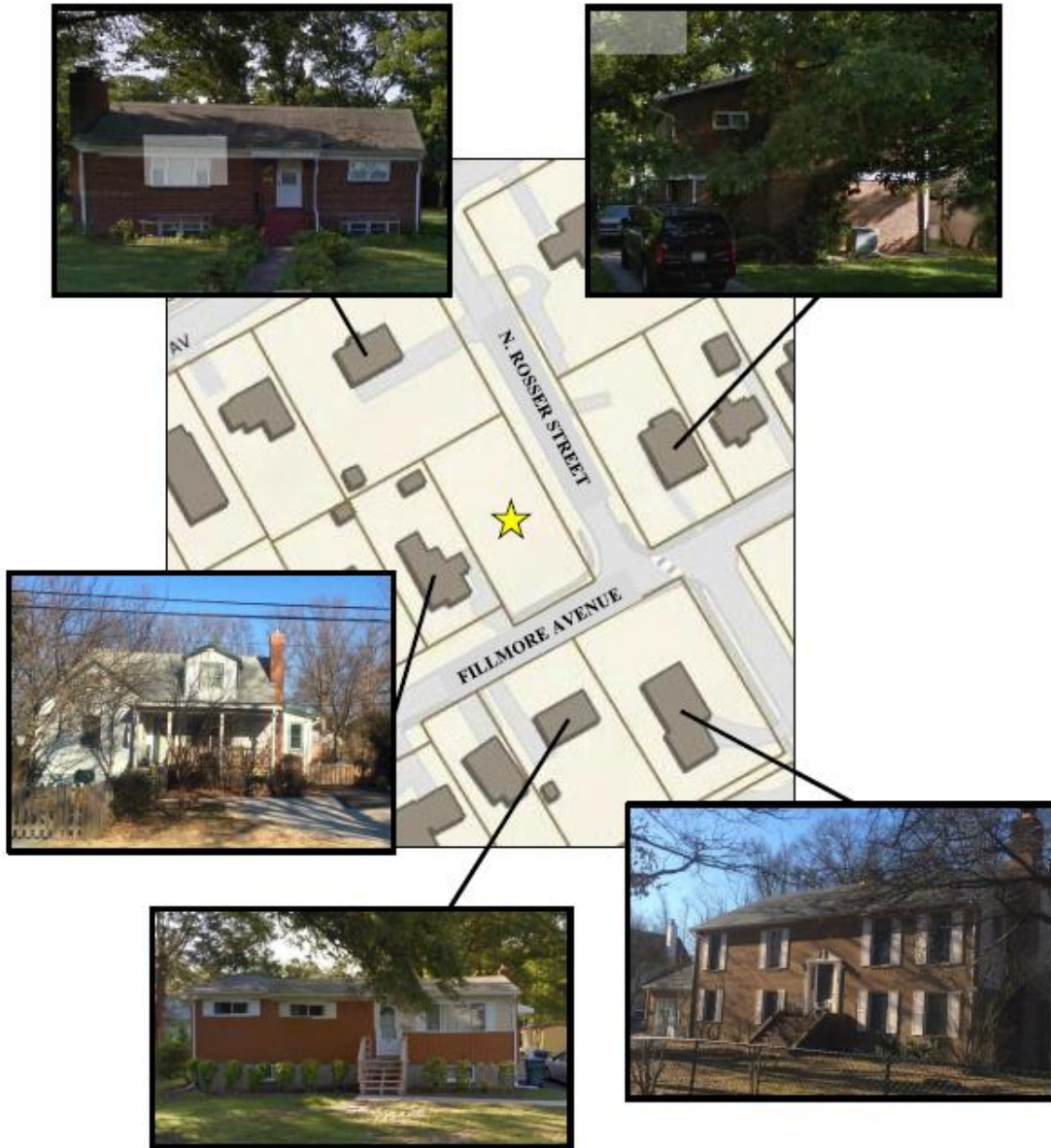
Figure 1. Proposed Home and Existing Lot

**Proposed view from Fillmore Avenue and North Rosser Street intersection.*



The bulk and massing of the proposed home is compatible with the homes along North Rosser Street, where the front door would be located. The proposed home would offer 2,532 net square feet of floor area, which is slightly less than the total 2,535 square feet allowed floor area for the site. The height for the proposed home meets the single-family infill requirement by proposing a building height of 25 feet above average pre-construction finished grade. The height and gable roof design are appropriate for a two-story dwelling in the neighborhood, as adjacent homes on Fillmore Avenue and North Rosser Street maintain similar two-story gable designs (see Figure 2). The applicant is also proposing a front door threshold height of 3.1 feet along North Rosser Street, which is 1.1 feet lower than the average threshold height along the blockface. While the resulting dwelling is taller than the adjacent home on Fillmore Avenue, staff concluded that the new home is still compatible with the overall neighborhood, where a number of homes are two-stories, and the new home is smaller than what would have been previously allowed prior to the single-family infill regulations. Therefore, the new home would be compatible with the current neighborhood character in terms of bulk and height.

Figure 2: Neighborhood Context



Design of Proposed House

There is not a strong or singular neighborhood character that defines the surrounding neighborhood. A number of the homes in the neighborhood have redeveloped over the past 15 years. Some homes were built before the single-family infill regulations were adopted; yielding bulky homes with varied design elements, such as multiple gables and high-pitched ridgelines (see Figure 3). Homes redeveloped after the single-family infill design guidelines are much more appropriate in bulk, siting and height, as seen in Figure 4; however the architectural styles are still varied, creating a neighborhood lacking a strong defining character.

Figure 3: Neighborhood Homes Redeveloped Pre-Infill Regulations



2710 N. Rosser St



2716 N. Rosser St

Figure 4: Neighborhood Homes Redeveloped Post-Infill Regulations



2910 N. Rosser St



2702 N. Rosser St

With the impact of building a new home on a lot that has been vacant for nearly 70 years, the applicant, who is also the architect for the project, designed a home to create as little impact, both environmentally and visually, on the neighborhood as possible. The home is designed to be as energy efficient as possible by using the sunlight to naturally illuminate and warm the interior space thereby minimizing the need for fuels. Attachment 4 details the applicant's plans to utilize natural light, as well as his plans to install solar panels on the roof. Additionally, the exterior finishes of the home mimic existing materials of the adjacent homes such as siding and brick. The construction materials for the home are proposed to be sourced regionally and may include use of recycled materials, such as wood floors. The applicant also plans to maintain as many existing trees as possible on the site, while also utilizing native plants to conserve water usage. Inside the home, the applicant plans to install Energy Star rated appliances and low-flow water fixtures to further reduce the environmental impact of a new home.

The greatest restriction on the applicant's design was the siting of the home, which was determined by the front yard setback surveys for both Fillmore Avenue and North Rosser Street. The applicant worked with staff to determine the building envelope for the new home, and then proceeded to design a home that "placed a majority of the windows facing south and the fewest facing west to

help heat the home in the winter and provide natural light throughout the day,” as explained on page 4 of Attachment 4, while still adhering to the setbacks set by the single-family infill regulations and the R-20 zone. Staff finds that the overall home design is highly compatible with the neighborhood. Staff added recommended conditions to ensure that construction would follow appropriate regulations and practices.

With these conditions, staff recommends APPROVAL of the SUP for the proposed new house.

III. RECOMMENDED CONDITIONS

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

1. The design and placement of the dwelling shall be substantially consistent with illustrations dated February 9, 2015 to the satisfaction of the Director of Planning & Zoning. (P&Z)
2. A modification shall be granted to allow the front yard setback of 47.1 feet facing North Rosser Street, where 54.4 feet is required from the curb face. (Planning Commission)
3. As part of the grading plan, trees must be planted or existing trees preserved to provide a minimum of 25 percent canopy cover over the site. (P&Z)
4. Building, trade permits and inspections are required to construct single-family home on substandard lot. (Code)
5. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
6. 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)
7. New curb cut must be approved by T&ES prior to release of the grading plan. (T&ES)
8. The existing sidewalk along North Rosser Street shall be extended along the frontage of the site. The sidewalk shall be shown on the grading plan. (T&ES)
9. A GRADING PLAN showing all improvements and alterations to the site shall be required prior to any land disturbing activities and must be approved prior to issuance of a building permit. (Sec.5-6-224) (T&ES)
10. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. An erosion and sediment control bond shall be posted prior to release of the grading plan. (Sec.5-4-1.1) (T&ES)
11. The applicant shall comply with the provisions of the City’s Environmental Management Ordinance (Article XIII of the City’s Zoning Ordinance) current at the time of grading plan submittal. (T&ES)

12. 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)
13. Roof, surface and sub-surface drains shall 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)
14. All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
15. Pay sanitary sewer connection fee prior to release of Grading Plan. (Sec. 5-6-25) (T&ES)
16. Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-361) (T&ES)
17. 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)

STAFF: Taryn Toyama, Urban Planner;
Alex Dambach, Division Chief;
Peter Leiberg, Zoning Manager.

ATTACHMENTS:

Attachment 1: Deed Research
Attachment 2: Plat Maps & Survey Data
Attachment 3: Proposed Floor Plans and Elevations
Attachment 4: Proposed Renderings and Design Diagrams
Attachment 5: SUP Application

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 36 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 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-2 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-3 New curb cut must be approved by T&ES prior to release of the grading plan. (T&ES)
- R-4 The existing sidewalk along North Rosser Street shall be extended along the frontage of the site. The sidewalk shall be shown on the grading plan. (T&ES)
- C-1 A GRADING PLAN showing all improvements and alterations to the site shall be required prior to any land disturbing activities and must be approved prior to issuance of a building permit. (5-6-224) (T&ES)
- C-2 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. An erosion and sediment control bond shall be posted prior to release of the grading plan. (Sec.5-4-1.1) (T&ES)
- C-3 The applicant shall comply with the provisions of the City's Environmental Management Ordinance (Article XIII of the City's Zoning Ordinance) current at the time of grading plan submittal. (T&ES)
- C-4 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)
- C-5 Roof, surface and sub-surface drains shall 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)
- C-6 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-7 Pay sanitary sewer connection fee prior to release of Grading Plan. (Sec. 5-6-25) (T&ES)
- C-8 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-361) (T&ES)

- C-9 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)

Code Enforcement:

- F-1 The following comments are for SUP. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Charles Cooper, Plan Review Division at Charles.cooper@alexandriava.gov or 703-746-4197.
- C-1 Building, trade permits and inspections are required to construct single-family home on substandard lot.

Fire Department:

- F-1 No comments or concerns.

Health:

- F-1 No comments received.

Parks and Recreation:

- F-1 No comments received.

Police Department:

- F-1 No comments received.