

Docket Item #2
BZA CASE #2004-00031

Board of Zoning Appeals
September 22, 2004

ADDRESS: 2706 RIDGE ROAD DRIVE
ZONE: R-8, RESIDENTIAL
APPLICANT: DANIEL GABBAY AND ELISABETH HAGEN, OWNERS

ISSUE: Special exception to rebuild and extend a one story addition in the required south side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	8.00 ft	4.60 ft	3.40 ft

(insert sketch here)

STAFF CONCLUSION:

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

I. Issue

The applicants propose to reconstruct and enlarge an existing one-story rear addition to the dwelling located at 2706 Ridge Road Drive. The applicants propose to rebuild and enlarge an existing one-story side yard addition that currently measures 8.10 feet by 16.00 feet by 12.25 feet in overall height. Upon evaluation, the applicants found that the existing addition's foundation was improperly constructed resulting in the current addition detaching from the main building. The existing addition cannot be remodeled and must be reconstructed with a new foundation that meets building code requirements. In undertaking the reconstruction, the applicants desire to slightly enlarge the addition by 12.38 square feet. Upon completion of the construction the rear wall of the addition will align with the rear of the wall of the main house.

II. Background

The subject property is one lot of record with 50.00 feet of frontage on Ridge Road Drive and extends 131.36 feet to the rear of the property. The lot has an area of 6,580 square feet.

The existing dwelling is single-family-detached structure located 38.30 feet from the front property line facing Ridge Road Drive, 9.00 feet from the north side property line, 4.60 feet from the south side property line and 58.00 feet from the west rear property line. A detached garage is located less than 1.00 feet from the west rear property line and less than 1.00 feet from the north east side property line. Access to the existing garage is provided by a driveway located parallel to the north side property line.

III. Discussion

The south wall of the existing addition is located 4.60 feet from the south side property line. The proposed expanded addition will extend the plane of the existing south wall toward the rear of the property and will not increase the distance for the noncomplying south side yard. The zoning regulations requires a minimum of 8.00 feet from an applicable side yard property line.

A comparison of the existing and expanded side yard addition is as follows.

	Width	Length	Height	Sq. Ft
Existing Addition	8.25 ft	16.00 ft	12.25 ft	132 sq ft
Renovated Addition	8.25 ft	17.50 ft	12.25 ft	144 sq ft
Change	none	+1.50 ft	none	+12 sq ft

No special exceptions or variances have been previously approved for the subject property. There have been no similar special exception or variance requests granted in the immediate neighborhood since 1992.

IV. Master Plan/Zoning

The subject property is zoned R-8 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the North Ridge Small Area Plan for residential land use.

V. Requested special exception:

Section 3-306(A)(2), Side Yard

The R-8 zone requires an 8.00 foot side yard setback for a single-family dwelling. The subject property is located 4.60 feet from the south side yard. The proposed addition would extend the non-complying south wall and will not increase the encroachment into the required south side yard.

VI. Noncomply Structure:

The existing building at 2706 Ridge Road Drive is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Non-compliance</u>
Side (South)	8.00 feet	4.60 feet	3.40 feet

VII. Staff analysis under criteria of section 11-1302 for special exception:

This case asks the Board of Zoning Appeals to rule on whether a proposed expanded one-story addition located within the required south side yard meets the standards adopted for a special exception for additions.

Special Exception Standards

The rules for additions built on noncomplying structures reflect Council's decision that property owners should be able to seek relief for modest improvements to their existing homes when the proposal involves the expansion of only one noncomplying wall projecting into a required yard. In such cases, an applicant no longer needs to file a variance and argue a legal hardship. Under the adopted rules, the Board must determine whether the improvement affects neighboring homes, whether the improvement is similar in character to other buildings within the immediate neighborhood and, finally, whether it represents the only reasonable location on the lot to build the proposed addition. The specific standards are:

BZA CASE #2004-00031

1. Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
2. Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
3. Whether approval of the special exception will alter the essential character of the area or the zone.
4. Whether the proposal will be compatible with the development in the surrounding neighborhood.
5. Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

The applicants propose to extend the existing non-complying south wall 1.50 feet toward the rear of the property. The proposed addition will meet all other yard requirements. Therefore, this request to extend one noncomplying wall meets the standards for a special exception application.

Neighborhood Impact

The subject lot is not unusual in lot area or configuration. There are several lots containing single-family dwellings which are of similar lot area and have similar building setbacks. The subject lot and many of the other lots containing single-family dwellings meet the minimum lot width and lot frontage requirements. Several dwellings do not comply with required side yard setbacks and the lots were developed prior to current R-8 residential zoning ordinance requirements. The lots are developed with dwellings with side yard additions similar in size to that proposed in the applicants' special exception request. The overall scale of the existing and expanded one-story addition is in character with other additions to single-family dwellings in the immediate area and will have minimal impact on the neighborhood.

Light and Air

Expanding the existing side yard addition will reduce some light and air enjoyed by the adjacent property immediately south of the subject property. However, the adjacent single-family dwelling is approximately 9.00 feet from the existing addition (separated by an existing driveway) and enjoys unobstructed light and air on their north side yard. Staff believes, given the similar lot characteristics and current building location, the proposed

expanded addition would not increase the amount of encroachment on the required side yards.

Location of Improvements

The proposed addition will remain located along the south side building wall of the main building in the required south side yard. The location and size of the addition are consistent with other additions within the neighborhood. Only a slight expansion of the existing addition is proposed. The adjoining property owners have been shown the plans and the applicants have indicated their neighbors do not object to the modest building expansion.

Staff Conclusion

The subject property meets the criteria for a special exception. The expanded addition will enhance the value of the property and will maintain the scale and character of the addition in relation to the main dwelling. The proposed addition will not encroach any further into any required south side yard and will not be any further projection to the adjacent neighbors. The increase in mass on the lot will not be readily perceived from Ridge Road Drive and will thus not have an adverse impact on the block face or the public realm. Staff recommends approval of the special exception request.

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the variance or special exception is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 No objections or recommendations.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction.
- C-3 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-4 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-5 A soils report must be submitted with the building permit application.
- C-6 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-7 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 There is low potential for this project to disturb significant archaeological resources. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.