

Docket Item # 7  
BZA CASE # 2004-00054

Board of Zoning Appeals  
January 13, 2004

**ADDRESS:** 1714 CRESTWOOD DRIVE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** IHOR MALYNIWSKY AND MARIA MUSCELLA, OWNERS

**ISSUE:** Special exception to construct a second story addition in the required north side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	EXCEPTION REQUESTED
3-306(A)(2)	Side Yard	11.25 feet*	7.50 feet	3.75 feet

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\*Based on a building height of 22.50 feet to the roof eave line facing the south side property line.

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(insert sketch here)

**STAFF CONCLUSION:**

The staff **recommends approval** of the requested special exception because the request meets the special exception criteria. If the Board decides to grant a special exception, it should contain the conditions under the department comments.

**I. Issue**

The applicants propose to improve their house at 1714 Crestwood Drive by constructing a second floor above the footprint of an existing one-story rear addition.

**II. Background**

The subject property, one lot of record, has 50.00 feet of frontage on Crestwood Drive, a depth of 112.00 feet and totals 5,600 square feet.

The existing house two-story dwelling with a rear one-story addition and open rear deck is located 24.83 feet from the front property line facing Crestwood Drive, 13.75 feet from the south side property line, 7.50 feet from the north side property line and 50.66 feet from the west rear property line. Real estate assessment records indicate the house was constructed in 1952.

As indicated on the submitted plat, the existing house was built at an angle to the side property lines. The existing house complies with the required side setback facing the south property line but is not in compliance with the required north side property line. Although the existing house is closer to the front property line than the R-8 zone requires (30.00 feet), the existing house nearly complies with the established front setback of the adjoining homes on the same side of Crestwood Drive between North Quaker Lane and Kenwood Avenue. The established front setback of the twelve existing houses excluding the subject property is approximately 25.00 feet; the front wall of the existing house is located 24.83 feet.

The applicants propose to construct a second-story above the footprint of the existing one-story rear addition. The second-story addition measure 16.00 feet by 28.83 feet and will total 461 square feet. The second story will be a hip roof and will measure 22.50 feet from grade to the eave line of the roof on the north building facade; 27.00 feet to the ridge of the roof. The proposed second floor will accommodate a master bedroom and bathroom. The proposed second story addition will be in line with the existing building walls, but because the applicants are altering one noncomplying wall located within the required north side yard the project is eligible for a special exception.

**III. Discussion**

The existing dwelling is located within the required north side yard. The applicants propose to extend the north facade wall to construct a second story. Upon completion of the proposed second-story the house will continue to be located 7.50 feet from the north side property line and 13.75 feet from the south side property line. Based upon a building height of 22.50 feet a side yard setback facing the north side property line requires 11.25 feet. A modification of 3.75 feet is requested from the north side property line. Therefore, a special exception is requested for the expansion of one non-complying wall adjacent to the north property line.

There have been no prior variances nor special exceptions applied for or approved for the subject property. Since 1993, there have been no similar special exceptions or variances within the immediate area heard by the Board of Zoning Appeals.

**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 3-506(A)(2) Side Yard (North)

The applicants request a special exception from the required minimum 8.00 foot side yard requirement. The existing north building wall is located 7.50 feet from the north side property line. The height of the proposed second floor addition measures 22.50 feet from grade to the eave line roof facing the north side property line. A 11.25 feet side yard is required; the existing house is located 7.50 feet from the north side property. The applicants request a special exception of 3.50 feet.

**VI. Noncomplying Structure**

The existing building at 1714 Crestwood Drive is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (North )	8.00 feet	7.50 feet	.50 feet

**VII. Staff analysis under criteria of section 11-1302**

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

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 recently 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:

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.

In this particular case a proposed second-story will be built above an existing house which is now located 7.50 feet from the north side property line. No other relief is requested. This request to extend one noncomplying wall meets the standards for a special exception application.

**VII. Neighborhood Impact**

The subject lot is similar to other single-family lots along Crestwood Drive. An inspection of the immediate neighborhood revealed there are homes with new or existing two-stories above the existing building footprints. Several homes have undergone renovations by building additions to the properties. The neighboring properties to the north and south are platted approximately the same as the subject property. All of the lots adjoining the subject property provide a lot area, topography, building height and side yard setback comparable to their residential neighbors. There are a few homes with side yard additions built closer to a side property line than the zoning rules permit. The houses, in fact, were built shortly after the enactment of the side yard regulations.

**VIII. Light and Air**

Constructing a second-story could reduce light and air enjoyed by the neighboring property. However, in this case the adjoining building to the north is located approximately 10.00 feet from the applicants' building. The location of the neighbor's house to the applicants' building affords a reasonable distance to reduce the impact of the proposed second-story addition on their light and air. The dwelling at 1714 Crestwood Drive is separated from the neighboring property to the south by a 11.00 feet wide driveway pad and open yard and is less likely to be adversely impacted by the diminishment of light and air. Other homes along this section of Crestwood Drive have similar separation between structures, thereby allowing light and air between properties. Staff believes, given the similar lot characteristics and building location between the two neighboring homes, the proposed second floor does not appear to increase harm to the neighboring houses.

**IX. Lot Characteristics**

The subject property is substandard as to lot area requirement for an R-8 zone single-family lot, but a combination of level topography and large open rear yard and trees limits the area in which to expand. The house is not centered on the lot, but rather built slightly offset facing the north side property line resulting in the north building wall being located 7.50 feet facing the north side property line. Building above the existing building footprint provides a benefit in that it will continue to maintain an open rear yard. Staff would be concerned about over building on a substandard lot if it were not located on a block where other nearby lots appear to have similar lot area characteristics. Staff, believes, in this particular case the property's substandard lot area should not be viewed negatively against the application.

**X. Location of Improvements**

The proposed second story could be constructed in compliance with the side yard requirement; however, it would result in recessing the second story approximately less than half a foot from the edge of the first floor wall facing the north side property line. This alternative would require more elaborate construction steps and could be more expensive. In addition, by recessing the addition may appear awkward architecturally as seen from the street. The second floor may appear as an-add on rather than integrated with the existing building. Alternatively, the applicants could build a two-story rear addition without the need of a special exception.

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**XI. Staff Conclusion**

The proposed second story is in character with the existing house and other houses on the block. Staff believes that the applicants' property meets the test for a special exception, even though the lot is substandard and because the proposed design complements the existing house and adjacent residential homes. The proximity of the building improvements to the shared north side property line will still afford the adjoining property light and air. The proposed design when viewed from the north side property line does not unduly exacerbate

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existing conditions on the lot. The applicants are trying to preserve much of the rear yard as open space.

Staff recommends **approval** of the request for special exception.

**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:

- C-1 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 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure 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.
- 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.

Recreation (Arborist):

- F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is no significant ground disturbance is involved in this project. 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.