

Docket Item #5  
BZA CASE #2005-00002

Board of Zoning Appeals  
February 10, 2005

**ADDRESS:** 1 WEST SPRING STREET  
**ZONE:** R-5, RESIDENTIAL  
**APPLICANT:** PETER VANDEN BOASCH AND MARILYN HOWE, OWNERS

**ISSUE:** Special exception to expand and convert an existing screen porch with walls and new roof and build an open deck located within the required front yard facing Commonwealth Avenue.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(1)	Front Yard (Commonwealth)	25.00 ft	15.30 ft	9.70 ft

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(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 replace an existing covered screen porch located above a basement addition that faces Commonwealth Avenue and (1) construct a new slightly longer one-story addition facing Commonwealth Avenue and (2) construct an open walkway deck in line with the new addition to provide access to the backyard of the house at 1 West Spring Street. The new addition is located in the required front yard facing Commonwealth Avenue.

The applicants could enclose the existing screen porch without triggering a special exception. Because the new addition, although in line with the footprint of the existing screen porch, is slightly longer facing Commonwealth Avenue, the expanded wall area facing Commonwealth Avenue triggers a special exception.

**II. Background**

The subject property, a corner lot, is one lot of record with 66.01 feet of frontage facing West Spring Street, 99.40 feet of frontage facing Commonwealth Avenue, and a lot area totaling 6,546 square feet.

The subject property is currently occupied by a two-story single-family dwelling with side screen porch located 19.40 feet from the front property line facing West Spring Street, 15.30 feet from the front property line facing Commonwealth Avenue and 11.70 feet from the west side yard property line in compliance with the R-5 zone requirements. A detached shed is located 5.30 feet from the north side property line and 2.60 feet from the west side property line. Real Estate Assessment records indicate the house was built in 1938.

Section 12-202(A) of the zoning ordinance states that no noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations for the zone in which it is located. The subject building does not meet R-5 zone regulations as to the front yard setback facing Commonwealth Avenue and the vision clearance at the intersection of West Spring Street and Commonwealth Avenue and the proposed one-story addition facing Commonwealth Avenue also will not meet the front yard setback regulation.

The existing house and screen porch are currently located in the vision clearance triangle at the intersection of West Spring Street and Commonwealth Avenue. Construction of the replacement addition will not trigger a change in the existing vision clearance condition since the new addition is located within the same footprint as the existing screen porch. The portion of the new addition that is expanded towards the rear of the house is located outside the vision clearance area. (Refer to attached plat).

On November 17, 2001, City Council adopted the special exception regulations applicable to additions to existing noncomplying structures. This case falls within the group of cases to which the special exception applies because the applicants are seeking to extend one noncomplying plane (the wall facing Commonwealth Avenue). In this case the existing front wall of the basement is located in the required front yard facing West Spring Street and Commonwealth Avenue and the proposed one-story addition above the existing basement footprint will also be built into the required front yard facing Commonwealth Avenue. The wall facing West Spring Street is not being widened. The wall of new addition facing Commonwealth Avenue is being extended parallel to Commonwealth Avenue therefore the applicants' case qualifies for a special exception and not a variance.

**III. Discussion**

The existing side screen porch located along a portion of the east wall of the existing house measures 9.00 feet by approximately 13.00 feet and is built on an existing basement foundation wall. The proposed one-story addition will be built in line with the existing basement foundation and not extend any closer to the front property line facing Commonwealth Avenue or West Spring Street.

The new addition measures 9.00 feet by 17.00 feet facing Commonwealth Avenue and totals approximately 170 square feet. The height of the new addition will be lower than the existing screen porch. The new addition's overall height from grade to the eave line of the roof facing the front property line of Commonwealth Avenue is approximately 11.00 feet and is 14.00 feet in overall height. The proposed addition will continue to be located 15.30 feet from the front property line facing Commonwealth Avenue and 19.40 feet from the front property line facing West Spring Street. A modification of 9.70 feet from the front setback requirement facing Commonwealth Avenue is requested.

A comparison between the existing screen porch and proposed one-story addition is as follows:

	<u>Ht to Roof Eave</u>	<u>Overall Ht</u>	<u>Width</u>	<u>Length</u>	<u>Total Sq Ft</u>
Screen Porch	11.00 ft	16.00 ft	9.00 ft	13.00 ft	117 sq ft
Addition	11.00 ft	14.00 ft	9.00 ft	17.00 ft	153 sq ft
	same	- 2.00 ft	same	+ 4.00 ft	+ 36 sq ft

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

The applicants indicate the proposed renovation will provide needed year round interior space and present a more pleasing appearance from the street. The addition’s exterior will match the exterior of the main house. The applicants also indicate the new addition is similar to other additions in the neighborhood. The adjoining neighbors have indicated their support of the proposed renovation.

There have been no variances or special exceptions previously granted for the subject property. Since 1993, there have been no similar applications for additions in the required front yards in the immediate neighborhood heard by the Board.

**IV. Master Plan/Zoning:** The subject property is zoned R-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential land use.

**V. Requested Special Exception:**  
Section 3-506(A)(1), Front Yard

The R-5 zone requires a minimum front yard setback of 25.00 feet. The existing house with a new second-story addition will not increase its noncomplying front setback facing Commonwealth Avenue. The existing building and addition will continue to be located 15.40 feet from the front property line of Commonwealth Avenue.

**VI. Noncomplying structure**

The existing building at 1 East Spring Street is a noncomplying structure with respect to the following:

<u>Front Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Commonwealth Ave	25.00 ft	15.40 ft	9.60 ft
Spring Street	25.00 ft	19.40 ft	5.60 ft
Vision Clearance	100.00 ft	86.00 ft	14.00 ft

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

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

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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 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 the proposed slightly enlarged replacement one-story addition will be built above and in line with the existing basement footprint and that is now located 15.40 feet from the front property line facing Commonwealth Avenue. No other relief is requested. This request to extend one noncomplying wall meets the standards for a special exception application.

**VIII. Neighborhood Impact**

The subject lot is a corner lot which complies with the minimum lot area for a corner lot zoned R-5, residential. It is one of ten residential lots on a block bordered by La Grange and Leslie Avenues with similar lot configurations and topography. The neighboring properties are platted as close or slightly behind the subject house to the front property lines than the subject property line and which the zoning rules permit. The majority of the homes appear to have a similar front setback which is less than the R-5 zone regulation of 25.00 feet.

**IX. Light and Air**

Constructing a modest one-story addition where an existing screen porch is now located will not reduce light and air enjoyed by the neighboring property at 2 West Glendale Avenue. In fact, construction of the proposed addition does not appear to cause any harm to any neighboring house. The existing screen porch is similar to a side addition at 3 West Spring Street the most immediate neighbor to the west of the subject property.

**X. Location of Improvements**

The proposed addition will be built on an existing basement foundation footprint which currently projects into the required front yard facing Commonwealth Avenue and West Spring Street. In effect, the removing the screen porch of the house, with a new building addition, will change the building's architecture from the street and side property lines but will not bring the building any closer to the front yard than it is now situated. The proposed improvement will make the subject property similar to homes on other corner lots with side yard additions in the immediate neighborhood.

**XI. Staff Conclusion**

The proposed addition is modest and will remain in the footprint of the existing basement foundation. The proposed project is compatible with other homes with side yard additions on the block. The proposed addition will not project any closer than it now does to the street. 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:

- C-1 Change in point of attachment or removal of existing overhead utility service, will require undergrounding or variance.

Code Enforcement:

- F-1 Should the proposed addition exceed 100 square feet a soils report will be required.
- 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 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.