

Docket Item #5
BZA CASE #2007-0024

Board of Zoning Appeals
September 13, 2007

ADDRESS: 414 TYLER PLACE
ZONE: R-8, RESIDENTIAL
APPLICANT: TANDY AND ORRIN HARRISON, OWNERS

ISSUE: Special Exception to construct a two-story rear addition in the required west side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard (NorthWest)	12.25 feet*	11.10 feet	1.15 feet

* Based on a building height of 24.50 feet to the eave of the roof facing the northwest side property line.

BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 13, 2007: On a motion to approve by Mr. Goodale, seconded by Ms. Lewis, the special exception was approved by a vote of 6 to 0.

Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Stephanie Diamond, architect, made the presentation.

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

If the Board decides to grant a special exception, it should contain the conditions under the department comments. Special exceptions must also be recorded with the deed of the property in the City's Land Records Office prior to the release of a building permit.

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(insert sketch here)

I. Issue

The applicants propose to construct a two-story rear addition at 414 Tyler Place.

II. Background

The subject property is one lot of record with 50.00 feet of frontage facing Tyler Place and a depth of 126.02 feet along the southeast side property line and 156.36 feet along the northwest side property line. The property contains a total of 7,060 square feet of lot area. The property is noncomplying as to the minimum lot width and minimum lot area for an R-8 single family lot where the minimum lot width is 65.00 feet and the minimum lot area is 8,000 square feet.

The lot is developed with a two-story single family dwelling located 34.60 feet from the front property line facing Tyler Place, 22.10 feet from the southeast side property line, 11.10 feet from the northwest side property line and 44.00 feet from the rear property line. As indicated on the submitted survey, the existing house is built within the required northwest side yard. Based on an existing building height of 24.50 feet to the eave, a setback of 12.25 feet is required from the northwest side property line. The existing dwelling is in compliance with the required front, rear and southeast side yards. According to real estate assessments the house was constructed in 1940.

III. Description

The applicants propose to construct a two-story rear addition in line with the west side wall of the existing house, 11.10 feet from the northwest property line and 10.00 feet from the southeast property line and 28.00 feet from the rear property line. Based on a building height of 20.00 feet to the mid point of the gable facing the southeast property line, a setback of 10.00 feet is required and provided. Based on a building of 24.50 feet to the roof eave of the northwest wall, a setback of 12.25 feet is required from the northwest side yard. A side yard exception of 1.15 feet from the northwest side property line is requested. Because the applicants are altering one noncomplying wall located within the required northwest side yard the project is eligible for a special exception.

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

There have been no variances or special exceptions previously granted for the subject property.

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

V. **Requested Special Exception:**

3-306(A)(2) Side Yard (Northwest)

The applicants request a special exception of 1.15 feet from the required northwest side yard setback of 12.25 feet (based on a building height of 24.50 feet to the roof eave of the proposed two-story addition facing the northwest side property line).

VI. **Noncomplying structure**

The existing building at 414 Tyler Place is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side(Northwest)	12.25 ft*	11.10 ft	1.15 ft

*Based on a building height of 24.50 feet to the eave line of the existing two-story dwelling facing the northwest side property line.

VII. **Special Exceptions Standards**

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

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.

VIII. Staff Conclusion

The subject lot is substandard as to lot size and width, but similar to many other lots on the block and in the surrounding neighborhood. An inspection of the immediate neighborhood revealed several homes with additions in line with the original building walls. Many of the homes appear to be built closer to the side property lines than the zoning regulations currently permit. The two-story rear addition is in character with the neighborhood.

The proposed two-story addition does not exceed the height of the existing dwelling and is in line with the northwest side wall. It is not likely that the proposed addition will negatively impact light and air of the adjacent property to the northwest. The applicants have shown the plans to their neighbors and have indicated that the neighbors do not object the proposal.

Therefore, staff recommends approval of the special exception.

DEPARTMENTAL COMMENTS

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

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

Transportation and Environmental Services:

- F-1 An approved Plot Plan must be attached to the building permit application. The Plot Plan is required because the submitted documentation indicates that the area of the new building footprint exceeds the area of the existing building footprint by more than 100%. In general, a Plot Plan is required when construction of a proposed addition:
- Results in a new building footprint that exceeds the area of the existing building footprint by 100% or more.
 - Results in less than 50% of the existing first floor exterior walls, in their entirety, remaining. The walls must comprise the footprint of the existing building and shall be measured in linear feet. The remaining walls must remain as exterior walls. The definition of a first floor exterior wall is that it must have its finished floor surface entirely above grade.
 - Results in land disturbance associated with the project of 2,500 square feet or greater in area. The disturbed area will be determined by adding a minimum of 10' to the perimeter of the building (or addition) footprint and calculating the area within the increased perimeter. In addition, a 10 foot wide access path from the edge of the disturbed area to the street or paved driveway must be included in the disturbed area calculation. Provision must be made for stockpile, staging, dumpsters and material storage areas within the limits of disturbance.
 - Changes to existing grade elevation of 1-foot or greater.
 - Changes to existing drainage patterns. (TES)
- R-1 The building permit plans shall comply with requirements of City Code Section 8-1-22 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (TES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (TES)

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- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (TES)
- R-4 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. (TES)
- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (TES)
- R-6 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (TES)

Code Enforcement:

- C-1 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- 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 New construction 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.

Recreation (Arborist):

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

Historic Alexandria (Archaeology):

- F-1 This property is listed on the 100-Year-Old Building Survey. The lot has the potential to yield archaeological resources that could provide insight into residential life of the past.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 The above statement must appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including erosion control, sheeting and shoring, and grading) so that on-site contractors are aware of the requirement.

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.