

Docket Item # 2
BZA CASE #2005-0026

Board of Zoning Appeals
June 9, 2005

ADDRESS: 2809 FARM ROAD
ZONE: R-8, RESIDENTIAL
APPLICANT: WILLIAM GATELY, OWNER

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

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard	9.75 feet	8.50 feet*	1.25 feet

* Based on a building height of 19.50 feet to the eave line of the shed roof facing the north side property line

STAFF RECOMMENDATION:

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. Special exceptions must be recorded with the deed of the property in the City's Land Records Office.

(insert sketch here)

I. Issue

The applicant proposes to improve his house at 2809 Farm Road by constructing (1) a two-story rear addition, (2) a one-story rear screen porch in line with the existing two-story house and (3) build a new covered front entry stoop. Only the two-story addition needs a special exception.

II. Background

The subject property, one lot of record, has 50.00 feet of frontage on Farm Road, a depth of 115.00 feet and totals 5,750 square feet. The subject lot is substandard for an R-8 zone interior lot where the minimum lot size is 8,000 square feet.

The existing house two-story brick dwelling with a rear one-story addition, open deck and a detached one garage is located 25.00 feet from the front property line facing Farm Road, 8.30 feet from the north side property line, 13.00 feet from the south side property line and approximately 42.00 feet from the north rear property line. The existing detached garage is located 1.70 feet from the south side property line and slightly behind the existing house. A concrete driveway provides access to the garage parallel to the south side property line. Real estate assessment records indicate the house was constructed in 1940.



South Side Yard

As indicated on the submitted plat, the existing height of the house results in the house not complying with the required north side yard. The existing house complies with the required south side yard and rear yard setback. Although the existing house is closer to the front property line than the R-8 zone requires (30.00 feet), the existing house complies with the established front setback of 25.00 feet similar to the adjoining homes on the same side of Farm Road.

The applicant proposes the following improvements to his home. Some of the improvements do not need a variance or special exception to construct.

- (a) Construct a two-story addition in line with the existing walls of the main footprint of the existing two-story house. The main portion of the two-story addition measure 16.00 feet by 28.00 feet with a small smaller attached addition measuring 8.00 feet by 10.83 feet along the south west corner of the new addition. When combined the new addition totals approximately 1,069.28 gross square feet. The two-story addition will be a gable style roof facing the rear yard and will measure 19.50 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 addition will accommodate a guest room, bathroom, home office, in the basement, a family room and new kitchen on the first floor and a master bedroom and master bathroom and sitting area on the second floor. The proposed addition will be in line with the existing building walls. The new addition will be located within 8.50 feet from the north side property line and 13.83 feet from the south side property line. Because the applicant is altering one noncomplying wall

located within the required north side yard the project is eligible for a special exception.

- (b) Built directly behind the new addition a new one-story screen porch addition that will measure 12.90 feet by 17.50 feet and approximately 2.00 feet above grade. The new screen porch measures 11.00 feet from grade to the eave line of the roof facing the north side property line in compliance with the minimum 8.00 feet side yard setback required for an R-8 zone property. No variance or special exception is required for the new screen porch.
- (c) Build a covered front open landing on the existing east building facade. The new covered landing will project 4.00 feet from the existing east side building wall into the required east front property line in compliance with the zoning regulations. Section 7-202(A)(2) of the zoning ordinance permits a covered roof to project not more than four feet from the building wall into a required yard. Although the existing house is closer to the front property line than the R-8 zone requires (30.00 feet), the existing house complies with the established front setback of 25.00 feet similar to the adjoining homes on the same side of Farm Road.
- (d) Remove the existing one-story detached garage to provide space for the new rear additions. Driveway parking will remain. Remove an existing one-story rear addition to be replaced with the two-story and one-story rear addition.

III. Description

The existing dwelling is located within the required north side yard. Upon completion of the proposed two-story addition the house will be located 8.50 feet from the building wall facing the north side property line and 13.83 feet from the building wall facing the south side property line. Based upon a building height of 19.50 feet, a side yard setback facing the north side property line requires 9.75 feet. A modification of 1.25 feet is requested from the west 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.

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 3-406(A)(2) Side Yard (North)

The applicant requests a special exception from the required minimum 8.00 foot side yard requirement. The existing north building wall because of its building height is located 8.30 feet from the north side property line. The height of the proposed two-story addition measures 19.50 feet from grade to the eave line of the gable roof facing the north side property line. An 9.75 feet side yard is required; the existing house is located 8.30 feet (from the building wall). The applicant requests a special exception of 1.25 feet.



North Side Yard

VI. **Noncomplying Structure**

The existing building at 2809 Farm Road is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (North)	11.75 feet*	8.30 feet	3.45 feet

* based on a building height of 23.50 feet to the mid point of the gable roof

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

This case asks the Board of Zoning Appeals to rule on whether a proposed two-story addition located within the required north 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. 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.

VIII. Addition's Impact on Light and Air

The subject lot is substandard but similar to four other single-family lots on Farm Road between Summit Avenue and Crestwood Drive. An inspection of the immediate neighborhood revealed there are homes with new or existing two-stories at the rear and in line with the main building footprints. There are a few homes with side yard additions built closer to a side property line than the zoning rules permit. Construction of the new addition will have an impact on the immediate neighbor along the west side property and the addition could reduce light and air enjoyed by the neighboring property. However, in this case the adjoining building to the north is located approximately 20.00 feet from the applicant's building. The R-8 zone requires a minimum of 8.00 feet to a common side property line. The location of the neighbor's house to the applicant's building affords a reasonable distance to reduce the impact of the proposed two-story addition on their light and air. In fact the neighbors at 2811 Farm Road support the applicant's request. Other homes along this section of Farm Road appear to have similar separations 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 addition does not appear to increase harm to the neighboring home.

IX. Lot Characteristics

The subject property is substandard as to the lot area requirement for an R-8 zone single-family lot and a combination of level topography and 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 8.30 feet facing the north side property line. Building in line with the main house provides a benefit in that it will continue to maintain a similar architectural style and maintain an open side yard. Staff would be concerned about over building on a substandard lot if it were not

located on a block where four 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 and Architecture

The proposed two-story addition could be constructed in compliance with the side yard requirement; however, it would result in stepping the addition to the side resulting in a dissimilar architecture that the applicant is trying to preserve, would require more elaborate construction steps and could be more expensive. From the street the rear addition would appear awkward and may appear as an-add on rather than integrated with the existing building. On balance, the staff feels that architectural integrity is preserved by building in line with the existing house. __

XI. Staff Conclusion

The proposed two-story addition is in character with the existing house and other houses on the block. Staff believes that the applicant's 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 existing conditions on the lot.

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

STAFF: Hal Phipps, Chief, Department of Planning and Zoning
Peter Leiberg, Zoning Manager

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:

- C-1 All utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-2 Pay sanitary sewer tap fee prior to issuance of a building permit.(Sec. 5-6-25.1)
- C-3 Any work within the right-of-way requires a separate permit from T&ES.(Sec. 5-3-61)
- C-4 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-5 Per City Ordinance No. 3176, requests for new driveway aprons, unless approved at public hearing as part of a related item, must be accompanied by an adjacent **Property Owners Acknowledgment** form.
- C-6 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)
- R-1 A PLOT PLAN showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit.(T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.(T&ES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-4 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet.(T&ES)
- R-5 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-6 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. 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.(T&ES)

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 A soils report must be submitted with the building permit application.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-7 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-8 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 significant archaeological resources to be disturbed by 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.