

Docket Item # 6  
BZA CASE # 2003-00067

Board of Zoning Appeals  
January 8, 2004

**ADDRESS:** 10 EAT OAK STREET  
**ZONE:** R-2-5, RESIDENTIAL  
**APPLICANT:** NINA AND THOMAS PFIEFFER

**ISSUE:** Special exception to construct a rear one story addition in the required west side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (West)	10.00 feet	8.00 feet	2.00 feet

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(insert sketch here)

**STAFF CONCLUSION:**

This property does meet the criteria for a special exception.

**DISCUSSION:**

1. The applicant proposes to construct a one-story rear addition to the dwelling located at 10 East Oak Street.
2. The subject property is one lot of record with 25.00 feet of frontage on East Oak Street and extends 123.00 feet from East Oak Street to the rear of the property. The lot has an area of 3,075 square feet.
3. The existing dwelling is a semi-detached unit located 25.00 feet from the south front property line, on the east side property line, 50.00 feet from the north rear property line, and 8.00 feet from the west side property line.
4. The applicant proposes a one-story addition that measure 16.00 feet wide by 20.00 feet long. The proposed addition measures 15.30 feet from grade to the midpoint of the gable located on the west facade.
5. The west wall of the existing dwelling is located 8.00 feet from the west side property line. The proposed addition will extend the plane of the existing west wall toward the rear of the property and will not increase the distance for the noncomplying west side yard. The zoning regulations requires a minimum of 10.00 feet from an applicable side yard property line.
6. On April 8, 1993, the Board of Zoning Appeals approved a variance for the subject property for the construction of a rear deck within the required west side yard setback. (BZA Case #6329 attached).
7. There have been no similar variance requests granted in the immediate neighborhood since 1992.
- 8.. Master Plan/Zoning: The subject property is zoned R-2-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

**REQUESTED SPECIAL EXCEPTION:**

Section 3-506(A)(2), Side Yard

The R-2-5 zone requires a 10.00 foot side yard setback for a semi-detached dwelling. The subject property is located 8.00 feet from the west side yard. The proposed addition would extend the non-complying west wall and will not increase the encroachment into the required west side yard.

**NONCOMPLYING STRUCTURE:**

The existing building at 10 East Oak Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Non-compliance</u>
Side (West)	10.00 feet*	8.00 feet	2.00 feet
Lot Width	37.50 feet	25.00 feet	12.50 feet
Lot Frontage	37.50 feet	25.00 feet	12.50 feet

\* Required side yard for a semi-detached dwelling.

**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 rear one-story addition located within the required west 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 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.

**BZA CASE #2003-00067**

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 applicant proposes to extend the existing non-complying west wall 20.00 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 semi-detached dwellings which are of similar lot area and have similar building setbacks. The subject lot and many of the other lots containing semi-detached dwellings do not 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-2-5 residential zoning ordinance requirements. The lots are developed with dwellings similar in size to that proposed in the applicant's special exception request. The overall scale of the proposed one-story addition is in character with other semi-detached dwellings in the immediate area and will have minimal impact on the neighborhood.

Light and Air

Constructing a rear addition will reduce some light and air enjoyed by the adjacent property immediately east of the subject property. However, the adjacent semi-detached dwelling is not attached to any other dwelling and enjoys unobstructed light and air on the east side yard. Staff believes, given the similar lot characteristics and current building location, the proposed addition would not increase the amount of encroachment on the required side yards.

Location of Improvements

The proposed addition will be located at the rear of the existing building within the nonrequired east side. The addition will abut the common property line between the subject property and 10A East Oak Street. \_\_\_ The location of the addition and size is consistent with other rear additions within the neighborhood.

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**BZA CASE #2003-00067**

Staff Conclusion

The subject property meets the criteria for a special exception. The addition will enhance the value of the property and will maintain the scale and character of the block face. The proposed addition will not encroach any further into any required west side yard and will not be in closer proximity to the adjacent neighbors. The increase in mass on the lot will not be readily perceived from East Oak Street and will thus not have an adverse impact on the block face or the public realm. Staff recommends approval of the special exception request.

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STAFF: Barbara Ross, Deputy Director, Peter Leiberg, Principal Planner,  
Rasheda DuPree, Urban Planner, Department of Planning and Zoning

**DEPARTMENTAL COMMENTS**

Transportation and Environmental Services:

- F-1 T&ES has no objections or recommendations on this item.

Code Enforcement:

- C-1 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to porches with roofs and skylights within setback distance. Proposed windows along property line are not compliant with the USBC.
- C-2 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-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure 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 specimen 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.