

Docket Item # 4
BZA CASE # 2003-00055

Board of Zoning Appeals
November 13, 2003

ADDRESS: 409 NORTH HENRY STREET
ZONE: CL, COMMERCIAL LOW
APPLICANT: SHEILA FARRELL, OWNER

ISSUE: Variance to construct a rear two-story addition in the required side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-106 (A)(2)(a)	Side Yard (North)	8.00 ft	0.00 ft	8.00 ft
	Side Yard (South)	8.00 ft	3.50 ft	4.50 ft

(insert sketch here)

STAFF CONCLUSION:

This property does meet the criteria for a variance.

DISCUSSION:

1. The applicants propose to build a two-story addition at the rear of an existing two-story detached building at 409 North Henry Street. The new addition will be located on the north side property line and approximately 3.50 feet from the south side property line.
2. The subject property is one lot of record with 18.00 feet of frontage on North Henry Street and a depth of 118.00 feet. The property contains a total of 2,124 square feet.
3. The existing two-story building encroaches slightly over the front property line facing North Henry Street, on the north side property line, 3.50 feet from the south side property line and approximately 76.00 feet from the rear property line. Real Estate Assessment records indicate the building was built in 1920. Off-street parking is provided at the rear of the property accessed from an alley.
4. The subject property is currently used commercially. The applicant proposes to convert the building to a residence. Nearly the entire rear of the property is now used for parking.
5. The proposed improvements to the subject property consists of the following.
 - (a) Reconfigure the existing asphalt parking area to open space and two off-street parking spaces in order to comply with the 40 percent open space requirement and 2 off-street parking spaces for a residential dwelling.
 - (b) Construct a two-story rear addition measuring approximately 12.00 feet by 14.30 feet and totaling 343 gross square feet in area. The overall height of the addition is 17.00 feet to the top of the flat roof. The new addition will accommodate a kitchen and family room on the first floor; a new study/bedroom, playroom, bathroom and closets on the second floor. The addition is located on the north side property line and 4.00 feet from the south side property line. A variance of 8.00 feet from the north and 4.00 feet from the south side property line is required.
6. The addition will comply with open space, rear yard setback and floor area requirements.
7. On October 9, 2003, the Board granted a similar variance at 217 South Alfred Street for a rear two-story addition in the required side yards, (BZA # 2003-0053).

8. This building is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). Demolition of the rear section as well as the proposed new addition must be approved by the BAR.
9. Master Plan/Zoning: The subject property is currently zoned CL, commercial low and has been so zoned since 1992. The property is identified in the adopted King Street/Eisenhower Small Area Plan for commercial low land use.

REQUESTED VARIANCES:

Section 4-106 (A)(2)(a), Side Yard:

The CL zone requires a single-family dwelling to provide two minimum side yard setbacks of 8.00 feet or one-third the building height, whichever is greater. The proposed two-story rear addition is located on the north side property line and 3.50 feet from the south side property line. A variance of 8.00 feet and 4.50 feet is requested for the proposed addition respectively.

NONCOMPLYING STRUCTURE:

The existing building at 409 North Henry Street is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Side Yard (North)	8.00 ft	0.00 ft	8.00 ft
Side Yard (South)	8.00 ft	3.50 ft	4.50 ft

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1113:

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

The property's only unusual condition is that the lot is narrower than the 50.00 feet lot width required for each single-family dwelling in the CL zone; the lot is 18.00 feet wide. The CL zone also requires two 8.00 foot side yards for each single family dwelling. The resulting lot width dimension and side yard setbacks create an unreasonable restriction and effectively prohibit the use of the property, allowing only a 2.00 feet wide house.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?
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The fact that the side yards required by the zoning ordinance makes building a house on this CL zone lot impossible is a condition that applies to some properties in the same zone being used for residential use, making similar residential additions prohibited in those cases. The subject property is narrower in width to the majority of developed lots in the 400 block of North Henry Street. The subject lot is smaller than the minimum size required for a single-family dwelling zoned CL, commercial low, it is also the narrow lot width of 18.00 feet which creates a hardship as to the side yard requirements.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?
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Hardship was not created by the applicant.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?
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The granting of the requested variance will not be detrimental to adjacent property or the neighborhood and will not alter the essential character of the area. The new addition will be project beyond the rear wall of the office building directly to the south. If the proposed variance is granted, the addition will not exceed the required floor area ratio and will meet the open space requirement. From the street the renovations to the house will be in character with similarly developed lots. From the vantage point of the neighbors on the north and south side, the new structure will not be out of scale to nearby buildings. The side yard distances proposed, however, are common in the neighborhood for detached single and two-family homes, particularly facing the 400 block of North Patrick Street.

5. Have alternate plans been considered so that a variance would not be needed?
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None that would meet the needs of the applicant.

6. Is any other official remedy available to relieve the hardship?

No other remedy except a variance.

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

DEPARTMENTAL COMMENTS

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)
- R-1 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.

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 an alternative, a 2 hour fire wall may be provided.
- 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 be 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 the 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 The Sanborn Insurance Map indicates that a house was present on this lot by 1891. The property therefore has the potential to yield archaeological resources which could provide insight into domestic activities in 19th-century Alexandria.
- 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 the site plan 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.