

Docket Item # 8  
BZA CASE # 2003-00060

Board of Zoning Appeals  
November 11, 2003

**ADDRESS:** 723 WEST BRADDOCK ROAD  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** ALLEN AND JAMES MUELLER, OWNERS

**ISSUE:** Special exception to construct a second story addition above an existing screen porch in the required front yard facing West Braddock Road.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard (Braddock Rd)	30.00 ft	23.20 ft (Existing)	6.80 ft

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(insert sketch here)

**STAFF CONCLUSION:**

This property does meet the criteria for a special exception.

**DISCUSSION:**

1. The applicants propose to (1) enclose an existing screen porch to be used year round and (2) build a second floor addition in line with an existing screen porch located in the required front yard facing West Braddock Road for the house at 723 West Braddock Road.
2. The subject property, a corner lot triangular in shape, is one of lot of record with approximately 170.00 feet of frontage facing West Braddock Road, 170.00 feet of frontage facing Cameron Mills Road, and 130.94 feet along the northwest side property line. The subject property totals 9,761 square feet and has sloping topography along the West Braddock Road side. The remainder of the lot is flat topography.
3. The existing house with an attached screened porch and below grade attached garage is currently a noncomplying structure in that it is located within the required front setback area of West Braddock Road and Cameron Mills Road.
4. The existing building is located 23.20 feet from the front property line facing West Braddock Road, 25.00 feet from the front property line facing Cameron Mills Road and 20.00 feet from the north west side yard property line in compliance with the R-8 zone requirements. Real estate assessment records indicate the house was built in 1944.
5. 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-8 zone regulations, and the proposed front yard second-story addition above the existing front screened porch facing West Braddock Road also will not meet the zoning regulations.
6. 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. In this case the existing screen porch wall projects into the required front yard facing West Braddock Road, and the proposed second floor addition above the existing screened porch will also be built into the required front yard facing West Braddock Road. The new addition will comply with the R-8 zone side yard requirement facing the north west side property line.

7. The proposed second-story addition will be built in line with the first floor screen porch and extend towards the north west side property line. The addition measures approximately 36.00 feet by 10.50 feet facing West Braddock Road and extends approximately 15.00 feet by 5.00 feet in depth along the rear wall of the existing house facing the north west side property line. The addition and enclosed screened porch total approximately 646 square feet. The height of the new second-story addition from grade to the mid-point of the modified gable roof facing the front property line is approximately 22.00 feet; 23.00 feet in overall height. The proposed addition will be located 23.20 feet from the front property line facing West Braddock Road and 15.00 feet from the north west side property line. A modification of 6.80 feet from the front setback requirement facing West Braddock Road is requested.
8. Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)
9. The applicants indicate the proposed renovation will represent the neighborhood standard of two-story dwellings. The adjoining neighbors have indicated their support of the proposed renovation.
10. On June 14, 1990, the Board of Zoning Appeals granted with conditions a rear yard variance (BZA case # 6035) to the applicants to construct a deck 5.00 feet from the rear property line.
11. Since 1990 there have been no similar variance applications heard by the Board in the immediate neighborhood.
12. 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 Small Area Plan for residential land use.

**REQUESTED SPECIAL EXCEPTION:**

Section 3-306(A)(1), Front Yard:

The R-8 zone requires a minimum front yard setback of 30.00 feet. The existing house with a new second-story addition will not increase its noncomplying front setback facing West Braddock Road. The existing building will continue to be located 23.20 feet from the front property line of West Braddock Road.

**NONCOMPLYING STRUCTURE:**

The existing building at 723 West Braddock Road is a noncomplying structure with respect to the following:

<u>Front Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
West Braddock	30.00 ft	23.20 ft	6.80 ft
Cameron Mills	30.00 ft	25.00 ft	5.00 ft

**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 front second story addition located within the required front yard facing West Braddock Road 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:

- (A) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
- (B) 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.
- (C) Whether approval of the special exception will alter the essential character of the area or the zone.
- (D) Whether the proposal will be compatible with the development in the surrounding neighborhood.

- (E) 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 a proposed second story addition will be built above and in line with an existing screen porch where the front screened wall is now located 23.20 feet from the front property line facing West Braddock Road. No other relief is requested. This request to extend one noncomplying wall meets the standards for a special exception application.

Neighborhood Impact

The subject lot is an unusual triangular shaped corner lot with a slightly larger lot area for a corner lot in the R-8 zone. It is one of three residential lots on a small block bordered by Cameron Mills Road, West Braddock Road and Woodland Terrace with similar lot configurations and topography. An inspection of the immediate neighborhood revealed other corner lots similar in size, width and orientation to the street and with existing homes built into one or both required front yards. Many of the homes are two stories on the same block as the subject property. The neighboring properties are platted closer to the front property lines than the subject property. All lots adjoining the property provide a comparable lot area or larger lot area, topography, building height and front yard setback to their residential neighbors. The houses were built during the same time period as the applicants' home, and they were built closer to either front property line than zoning rules permit. In fact, the houses were built prior to enactment of the front yard regulations. The majority of the homes have a similar front setback which is less than the R-8 zone regulation of 30.00 feet.

Light and Air

Although constructing a second story will reduce light and air enjoyed by the neighboring property, it does not appear to cause more harm than the neighboring house at 729 West Braddock Road and which is also two-stories and closer to the front property line. Staff believes, given the similar lot characteristics and current building location, the proposed second floor addition will do not increase harm to neighboring homes nor bring more mass closer to the front property line facing West Braddock Road. The most affected property owners support the applicants' proposal.

Location of Improvements

The subject property meets the lot area requirement. The proposed second story addition is limited to the existing building footprint which currently projects into the required front yard. In effect, the raising of the house, with new mass and 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 improvements will make the subject property similar to the majority of two-story homes in the immediate neighborhood.

Staff Conclusion

The proposed improvements will remain in the footprint of the existing house and in character with other two-story homes on the block and within the immediate neighborhood. Staff believes that the applicants' property meets the special exception standards, because the proposed design complements the existing house and adjacent residential homes, and the proximity of the building improvements will align with the existing house and not project any closer than it now does to the street. The proposed design does not unduly exacerbate existing conditions on the lot and does not maximize the full floor area allowed on the lot. Staff recommends approval of the special exception request.

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

**DEPARTMENTAL COMMENTS**

Transportation and Environmental Services:

Comments will be forwarded when received.

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.

Recreation (Arborist):

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

Historic Alexandria (Archaeology):

- F-1 This project involves minimal ground disturbance. 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



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building footprint is in place, pursuant to Alexandria City Code section 8-1-12.