

Docket Item # 1  
BZA CASE # 2003-0050

Board of Zoning Appeals  
December 11, 2003

**ADDRESS:** 1211 PRINCE STREET  
**ZONE:** CL, COMMERCIAL LOW  
**APPLICANT:** DANIEL C. CRANE, OWNER, BY WARREN L. ALMQUIST,  
ARCHITECT

**ISSUE:** Variance to construct a rear addition on the east and west property lines; an a garage on the north, east and west property lines.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-406(A)(2)(a)	Side Yard (Addition West)	8.75 ft*	0.00 ft	8.75 ft
	Side Yard (Garage West)	8.00 ft	0.00 ft	8.00 ft
4-406(A)(2)(a)	Rear Yard (Garage North)	8.50 ft	0.00 ft	8.50 ft

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\* Based on a building height of 17.50 feet facing the west side property line.

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This case was deferred to the December 11, 2003 hearing by the applicant prior to the November 13, 2003 hearing.

This case was deferred to the November 13, 2003 hearing by the applicant prior to the October 9, 2003 hearing.

**BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 11, 2003:** On the motion to approve by Mr. Curry, seconded by Mr. Allen, the variance for the two-story addition was approve 6 to 0. On the motion to defer by Mr. Curry, seconded by Mr. Koenig, the variance for the detached garage was deferred by a vote of 6 to 0. Mr. Almquist recused himself from the discussion.

Reasons: The variance for the two-story addition was approved due to the demonstrated hardship of the substandard narrow lot. The variance for the detached garage was deferred to allow the case to be heard by a full board.

(insert sketch here)

**STAFF CONCLUSION:**

This property does not meet the criteria for a variance.

**DISCUSSION:**

1. The applicant proposes to complete the following improvements to his house at 1211 Prince Street (1) construct a one and two-story rear addition to the existing single-family dwelling and (2) build a detached two-car garage.
2. The subject property is one lot of record with 20.00 feet of frontage on Prince Street and a depth of 122.00 feet. The lot contains a total of 2,440 square feet of property area. A 12.00 feet wide alley abuts the subject property along approximately 21.00 feet of the east side property line and rear property line.
3. The existing two-story dwelling is located on the front property line facing Prince Street, shares a common party wall on the east side property line with the neighboring property at 1209 Prince Street, 3.00 feet from the west side property line and 87.00 feet from the rear property line. Real estate assessment records indicate the house was built in 1870 and is located in the Old and Historic Alexandria District.
4. A detailed description of the two improvements to the property are as follows.
  - (a) Build a one and two-story addition measuring 20.00 feet by 17.25 feet and totaling approximately 319 square feet of floor area. The new addition will be located on the west side property line and on the east side property line. The overall height of the two-story addition is 17.50 feet to the top of the eave line of the roof facing the west side property line; 19.00 feet in overall height. The existing building height is approximately 19.00 feet. The one-story addition measures 5.00 feet by 17.25 feet and approximately 9.00 feet in height to the eave line facing the east side property line. The house, with the proposed addition, will comply with open space, rear yard setback and floor area requirements.

Because the addition shares a common party wall with the neighboring property at 1209 Prince Street no side yard variance is required facing the east side property line. However, a variance of 8.75 feet is required facing the west side property line.

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- (b) Build a detached two-car garage measuring 22.00 feet by 21.75 feet and totaling 479 square feet. The new garage will be located on the east and west side property lines and north rear property line. Based upon a building height of 8.50 feet to the eave line of the garage roof a variance of 8.50 feet is required facing the rear property line and 8.00 feet from the west side property line. No variance is required for the garage located on the east side property because the existing house shares a common party wall with the neighbor at 1209 Prince Street.
5. The new one and two-story addition will accommodate a dining/family room and bathroom on the first floor; a bedroom, bathroom and closets on the second floor.
  6. The zoning ordinance states that a CL zone lot is subject to two 8.00 foot side setback requirements and a minimum of 8.00 feet rear yard setback. The existing building does not meet the CL zone side yard regulation along both side property lines, and neither will the proposed addition and garage. Therefore, the applicant must seek a variance from the north rear yard and west side yard setback requirements.
  7. 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.
  8. There have been no previous variance requests for this property.
  9. Since 1990 the Board of Zoning Appeals has granted one variance request to build a similar addition in the immediate neighborhood. On October 11, 2001, the Board approved open space and side yard variances to construct a rear two-story addition at 1210 Prince Street. (Staff reports and Board actions are attached.)
  10. Master Plan/Zoning: The subject property has always been zoned commercial which allows for residential or commercial use. The property is currently zoned CL, commercial downtown and has been so zoned since 1992; since adoption of the Third Revised Zoning Map in 1951 to 1992 the property was zoned C-3, commercial. It is identified in the adopted Old Town Small Area Plan for residential land use.

**REQUESTED VARIANCES:**

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

The CL zone requires that a single family dwelling provide two minimum side yard setbacks of 8.00 feet. The proposed addition and detached garage will be located on the east and west side property lines. The addition requires a variance of 8.75 feet facing the west side property line; the detached garage requires a variance of 8.00 feet facing the west side property line. No variance is required for the addition and garage facing the east side property line since the subject property shares a common party wall with the adjoining building at 1209 Prince Street.

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

The CL zone requires that a single family dwelling provide a rear yard setback of 8.00 feet or building height whichever is greater. The proposed detached garage is located on the rear north property line. Based upon a building height of 8.50 feet a variance of 8.50 feet is required.

**STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:**

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?

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The property is not irregular in shape nor does it have difficult topography which would prohibit or unreasonably restrict the use of the property. Although the lot size is smaller than required for a single-family property in the CL zone it does not prohibit the use of the property. One side yard setback of 8.00 feet required for a attached dwelling on a 20.00 foot wide lot allows for a reasonable size addition and one-car garage 12.00 feet wide. No condition of the property creates an unreasonable restriction nor prohibits the use of the property.

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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One side yard requirement to build an addition and detached garage on this CL zone lot is not impossible. The lot's condition is generally applicable to similar properties in the CL zone in this area, and the CL regulations do prohibit building a reasonably sized addition or one-car garage rather than a two car garage. The subject property is similar in size and width as the majority of developed lots in the 1200 block of Prince Street. All of the lots have characteristics similar to the subject property. The CL zone does impose restrictive yard requirements for an adjacent dwelling on lots with similar width.

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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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The zoning ordinance does not create hardship for CL zone lots that are narrow in width, particularly lots where the existing house shares a common party wall along one side yard.

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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Granting the requested variance will not be detrimental to adjacent property or to the neighborhood, nor alter the essential character of the area. If the variances are granted, the proposed addition will not exceed the required floor area ratio and will meet open space requirements. From the street the renovations to the house will be in character with similarly developed lots. The side yard distances applicable for a detached or semi-detached dwelling is not uncommon in the neighborhood for homes similar in character. However, a two-car garage on a narrow lot is unreasonable where small detached accessory structures are the norm rather than the exception.

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?
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No other remedy except a variance.

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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:

- C-1 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

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. Proposed skylight is in violation of this condition.
- 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 trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 Tax records indicate that a free African American household was present on this street face in 1810. The G.M. Hopkins insurance map shows a house present on the lot by 1877. The property therefore has the potential to yield archaeological resources which could provide insight into domestic activities, perhaps relating to free blacks, in the nineteenth century.
- 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.