

Docket Item #10  
BZA CASE #2003-00063

Board of Zoning Appeals  
December 11, 2003

**ADDRESS:** 1119 ½ QUEEN STREET  
**ZONE:** CL, COMMERCIAL LOW  
**APPLICANT:** DONALD AND JAKI McCARTHY, OWNERS

**ISSUE:** Variance to construct an extension to an existing building wall in the required west side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-106(A)(2)(a)	Side Yard (West)	8.00 feet	0.50 feet	7.50 feet

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(insert sketch here)

**STAFF CONCLUSION:**

This property does meet the criteria for a variance.

**DISCUSSION:**

1. The applicant seeks re-approval of a two-story rear addition at 1119 ½ Queen Street.
2. On June 13, 2002, the Board of Zoning Appeals approved an addition to this dwelling(BZA Case#2002-0041). The approved design was a two-story rear addition which measured 14.00 feet by 18.00 feet by 18.66 feet in height to the eave line of the new roof. This case must be heard by the Board because the previous approval expired on June 13, 2003.
3. The subject property is one lot of record with 26.67 feet of frontage on Queen Street and a depth of 70.00 feet. The lot contains a total of 1,867 square feet of property area.
4. The existing two-story dwelling and attached one-story rear addition is located 8.00 feet from the south front property line facing Queen Street, 8.00 feet from the east side property line, on the west side property line and 25.00 feet from the rear property line. The applicant proposes to remove the existing one-story rear addition measuring 18.00 feet by 12.00 feet and to replace the existing addition with a new two-story addition.
5. The current proposal is a two-story frame addition with a rear-facing gable. The rear addition would extend 13.30 feet from the rear of the existing dwelling and would measure 17.20 feet wide. The structure measures 15.70 feet high from grade to the eave of the new roof. The addition is located six inches from the west side property line, 23.00 feet from the north rear property line, and 8.60 feet from the east side property line. The addition will add 1,555 square feet to the property.
6. The footprint of the proposed addition will comprise the remaining non-required open space for this lot. The required open space for this lot is 747 square feet which is the amount of open space that the applicant is proposing. Additionally, the applicant's proposal would result in a total of 1,391 square feet of built square footage on this property which is just under the maximum allowed floor area for the property at 1,400 square feet. If the Board approves the request for a variance, only 8.00 square feet of allowable floor area will remain for this property.
7. The CL zone requires each residential lot to provide two 8.00 foot side yard setbacks. The existing dwelling is a non-complying structure with respect to the west side property line. The existing dwelling is located on the west property line and the west wall of the proposed addition would be recessed six inches but would essentially extend the non-complying west wall of the existing dwelling. Typically requests to extend only one non-complying plane would qualify as a request for a special exception. However, at the time of the previous

review of the addition to this dwelling the special exception criteria has not yet been established and a variance was the only official process through which to seek relief from the zoning ordinance requirement. Therefore, the applicant must seek re-approval of the variance previously granted from the west side yard setback requirement.

8. This building is located in the Parker-Gray Historic District and is under the jurisdiction of the Board of Architectural Review (BAR). The Parker-Gray District is characterized by modest dwellings from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, and this building is larger and more architecturally distinguished than much of the housing in the District. The freestanding, two-story, frame, vernacular Italianate dwelling is an excellent example of its type and maintains a high level of integrity. Map research suggests that the house was constructed prior to 1877 and by 1902 had attained its present configuration with a two-story rear addition.
9. The Board of Architectural Review approved the plans for the proposed addition on June 26, 2002 (BAR Case #2002-144 & 145). Staff appreciates the effort the applicant has made to preserve the main block of the historic building and to address the concerns of Staff and Board in the course of the prior review. Staff has no objection to the proposed variance.
10. Prior to the preceding variance for the rear addition (BZA2002-0041) there have been no other variances approved for the subject property.
11. Since 1990 three similar variances in the immediate area have been heard by the Board of Zoning Appeals as follows:

<b>CASE</b>	<b>DATE</b>	<b>ADDRESS</b>	<b>VARIANCE</b>	<b>ACTION</b>
BZA2002-0029	5/9/02	1112 Princess St	Side Yds/ 2 story addn	Approved
BZA 6089	12/13/90	1120 Princess St	Side Yds/ 2 story addn	Approved
BZA5966	2/21/90	1114 Princess St	Side Yd & Open Spac/ 2 story addn	Approved

12. Master Plan/Zoning: The subject property is currently zoned CL, commercial low and has been so zoned since 1992; since adoption of the Third Revised Zoning Map in 1951 to 1992 the property was zoned RB, residential. It is identified in the adopted Braddock Road 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 each. The proposed three-story addition will be located six inches from the west side property line. The applicant seeks a variance of 7.50 feet from the west side property.

**NONCOMPLYING STRUCTURE:**

The existing house at 1119 ½ Queen Street is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Side Yard (West)	8.00 ft	0.00 ft	8.00 ft
Side Yard (East)	8.00 ft	5.00 ft	3.00 ft

**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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Staff believes that the strict application of the zoning ordinance does not prevent reasonable use of the property but does result in a hardship to the property owner. This lot is already developed with a three story dwelling with a one-story addition. The proposed addition will significantly increase the amount of floor area bringing the total floor area within 8.00 square feet of the maximum floor area allowed on this lot. However, there is little opportunity for expansion within non-required yards. The narrowness of the lot in conjunction with the requirement for two 8.00 foot side yard setbacks create a limited buildable lot area. Staff believes that these constraints create a hardship on the applicant.

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 majority of the lots on this blockface are similar in configuration. Several lots in this blockface have detached dwellings with at least one non-complying wall and many have side walls which are located in proximity to or on a side property line. Thus, the characteristics of this lot are shared by other properties within this zone.

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 hardship is not created by the applicant but created upon adoption of the CL zone regulations pursuant to single-family dwellings.

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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If approved, staff does not believe that the proposed design will not have an adverse impact on the blockface. As shown the new roof line will be lower than the roof on the existing dwelling and the sides of the proposed rear addition will only be marginally visible from Queen Street.

5. Have alternate plans been considered so that a variance would not be needed?
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Alternate plans would not meet the needs of the applicant.

6. Is any other official remedy available to relieve the hardship?
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None.

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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:

- 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 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 Below grade habitable spaces and bedrooms shall comply with the USBC and all applicable provisions for emergency escape and rescue openings [R310]. Escape and rescue openings shall not be obstructed by exterior decks or other structures which would prevent safe and timely egress from the structure.

### Recreation (Arborist):

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

Historic Alexandria (Archaeology):

- F-1 Historic maps indicate that a structure was present on this property by the late 19<sup>th</sup> century. The lot therefore has the potential to yield archaeological resources that could provide insight into domestic activities in 19<sup>th</sup>- 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 statements 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.