

Docket Item #7
BZA CASE #2004-0071

Board of Zoning Appeals
February 12, 2004

ADDRESS: 3516 HALCYON DRIVE
ZONE: R-8, RESIDENTIAL
APPLICANT: RODGER & SARAH CONRAD, OWNERS

ISSUE: Variance to construct a two-story addition in the required front yard facing Halcyon Drive.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard (Second-Story Addition)	30.00 ft	25.00 ft	10.00 ft

STAFF CONCLUSION:

This property does not meet the criteria for a variance.

DISCUSSION:

1. The applicants propose to renovate their existing house at 3516 Halcyon Drive by: (1) building a new one-story garage and two-story addition which comply with the R-8 zone requirements; and, (2) construct a second floor addition over the entire footprint of the existing house of which a small portion projects into the required front yard facing Halycon Drive.
2. The subject property, a corner lot, is one lot of record with 67.58 feet of frontage facing Halycon Drive, 48.50 feet of frontage facing Tennessee Avenue, a depth of 110.00 feet along the east side property line, 89.64 feet along the west side property line and 49.92 feet along the north rear property line. The lot totals 9,818 square feet. The property is slightly larger than the minimum 9,000 square feet required for an R-8 zone corner lot. The property's existing topography slopes upward from the street to the rear property line, which in part affects redevelopment on the lot.
3. The existing two-story dwelling was built in 1949 prior to R-8 zone regulations; it does not comply with current R-8 zone front and side yard setback requirements. The existing house is located 25.00 feet from the front property line facing Halycon Drive, 6.10 feet from the east side property line, 34.00 feet from the west side property line and 26.00 feet from the north rear yard property line. The building complies with R-8 zone west side and north side yard setbacks.
4. Section 12-102(A) of the zoning ordinance states no noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations of the zone in which it is located.
5. The subject building does not meet R-8 zone front yard setback regulations, and the proposed second story addition will not meet the front setback requirements. The applicants, therefore, must seek a variance from the front setback requirement. Only a small portion of the second story addition measuring approximately 5.00 feet by 10.00 feet projects into the required front yard setback facing Halycon Drive. The first floor of the existing house also currently projects into the required front yard facing Halycon Drive.

6. The proposed major improvements to the main building include the following:
 - (a) Build a two-story addition measuring 16.50 feet by 43.50 feet and containing approximately 718 square feet in area. The overall height of the addition to the top of the gable roof is approximately 25.00 feet. The existing house as well as the new second-story will continue to be located 25.00 feet from the front property line facing Old Dominion Boulevard. The new second floor will accommodate a sitting room, closet, master bathroom and bedroom. A variance of 5.00 feet is requested.
 - (b) Build a new attached one-car garage and mudroom measuring 19.00 feet by 24.50 feet in depth and totals approximately 420.00 square feet. The new garage will be attached along the west wall of the existing house and is located 30.00 feet from the front property line facing Halycon Drive. The overall height of the garage is 13.50 feet to the top of the garage roof. A new curb and driveway will be installed. No variance is required.
 - (c) Build a two-story addition at the rear of the existing house measuring 4.00 feet by 13.50 feet and contains approximately 108.00 square feet in area. The new addition will house on the first floor a new eating nook and larger bathroom on the second floor. The overall height of the addition is 21.50 feet to the ridge line of the new roof. The addition is in located 43.00 feet from the north side yard property line. No variance is required.
7. The proposed second-story addition will be located no closer to the front property line facing Halycon Drive than the existing house now does.
8. The applicants indicate the zoning ordinance prevents reasonable use of the property because of the following:
 - (a) the lot is hilly, sloping from Halycon up towards the north side property line.
 - (b) the location for the new second story will project no closer to the front property line than does the existing house is now located.
 - (c) the existing house was built prior to current zoning regulations
 - (d) the improvements are intended to compliment existing architecture and avoid impact on adjoining properties
 - (e) the house location characteristics affect placement of the improvements

- (f) the front property line facing Halycon Drive is curvilinear resulting in a majority of the house conforming to the R-8 front yard setback with the exception of a small 5.00 feet of building projection into the required front yard facing Halycon Drive.
- 9. There have been no previous variances considered by the Board of Zoning Appeals for this property.
- 10. Since 1995, there have been two front yard variances for an addition and front porch in the immediate area considered by the Board as follows:

<u>Case #</u>	<u>Date</u>	<u>Address</u>	<u>Variance</u>	<u>Action</u>
2001-0049	9/13/01	608 Tennessee Avenue	Front yard/Porch	Approved
95-0031	9/14/95	526 Tennessee Avenue	Front yard/Addn.	Approved
- 11. Master Plan/Zoning: The subject property is zoned R-8 and has been so zoned since adoption of the Third Zoning Map in 1951, and is identified in the North Ridge/Rosemont Small Area Plan for residential land.

REQUESTED VARIANCES:

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

The R-8 zone requires a minimum front yard setback of 30.00 feet. The proposed second-story will be located in line with the existing building which is located 25.00 feet from the front property line facing Halycon Drive. The applicants request a variance of 5.00 feet.

NONCOMPLYING STRUCTURE:

The existing building at 3516 Halycon Drive is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Front Yard (Halycon)	30.00 ft	25.00 ft	5.00 ft
Side Yard (East)	8.00 ft	6.10 ft	1.90 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?

The subject property's topography gradually rises from the street to the rear property line. The front property line along Halycon Drive is curvilinear to the existing house. However, these characteristics do not prohibit or unreasonably restrict the use of the property as it pertains to the proposed second story. The lot's characteristics actually result in the applicant being able to build a smaller addition rather than a larger one. There is, however, no hardship in this case.

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?

There is no hardship in this case. The zoning classification of the subject property is R-8. The zoning classification of the other properties in the general area is R-8. The applicants' property is similar to the majority of lots along the Halycon Drive. It is staff's opinion that the properties in the area share the same physical conditions as the applicants' property. Staff finds no hardship in this case.

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?

There is no hardship in this case.

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?

Granting the requested variance will be detrimental to adjacent properties and the neighborhood. The new addition will bring a taller existing house no closer to the street than it is now, but effectively increasing the degree of mass viewed from the street. The proposed second-story addition will introduce a taller building mass when viewed from the street, thus essentially changing the overall appearance of the applicants' building. The majority of the existing house is in compliance with R-8 zone regulations as to the front setback facing Halycon Drive. However, the new second story will create more horizontal mass facing this street. Staff believes that, if the applicants desire to build a second story, it is possible to recess the new second floor to comply with the R-8 side setback requirements and still enable the applicants a large second floor.

5. Have alternate plans been considered so that a variance would not be needed?

None that would meet the needs of the applicants.

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

No other remedy is available except to obtain 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)
- C-2 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 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.

Recreation (Arborist):

- F-1 The plan will require the removal of two mature a shade trees. These trees would not qualify as specimen trees.

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.