

Docket Item # 7
BZA CASE #2004-0002

Board of Zoning Appeals
March 11, 2004

ADDRESS: 314 EAST DEL RAY AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: BRIAN MAC DONALD

ISSUE: Variance to construct a second story addition in the required side yard

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(2)	Side Yard	7.33 feet*	4.90 feet	2.43 feet

* Based on a building height of 22.00 feet when measured from grade to the new roof eave line facing the east side property line.

(insert sketch here)

BZA CASE #2004-0002

STAFF CONCLUSION:

This property does not meet the criteria for a variance.

DISCUSSION:

1. The applicant proposes to construct a second story above an existing one-story rear addition previously approved by variance on the dwelling at 314 East Del Ray Avenue.
2. The subject property is comprised of two lots of record with a total of 50.00 feet of frontage on East Del Ray Avenue and extends 115.00 feet to the rear of the property. The total lot area is 5,750 square feet.
3. The lot contains a two and half-story single family dwelling with a one story rear addition. The existing dwelling is located 18.50 feet from the front property line facing East Del Ray Avenue, 4.50 feet from the east side property line, 54.50 feet from the north rear property line, and 21.00 feet from the west side property line.
4. On April 11, 1996 the Board of Zoning Appeals granted a variance to construct the existing one-story rear addition 4.90 feet from the east property line (Refer to BZA#96-0003 with board action).
5. The applicant proposes to construct a second story above the footprint of the existing 15.80 feet by 23.90 feet one-story rear addition. The subsequent two story addition would measure 22.00 feet from grade to the proposed eave line and a total height 30.75 feet. The proposed second story addition would raise the east wall of the existing rear addition by 10.50 feet from the existing eave line which currently measures 11.50 feet from grade. The proposed addition would have a rear-facing gable roof and would increase the square footage of the existing dwelling by 371 square feet.
6. The existing dwelling is a noncomplying structure with respect to the south front and east side property lines. The south front facade of the main dwelling is a noncomplying wall which encroaches on the required front yard setback. The east wall of the existing main dwelling is a noncomplying wall located within the required east side yard setback. The east wall of the rear addition is a legal wall which was granted a variance to encroach into the required east side yard. This is the wall the applicant proposes to extend.
7. There have been no similar variance approvals in the immediate neighborhood.
8. Although the subject property is located within the Town of Potomac Historic District, it is not listed on the 100 year old buildings list.

BZA CASE #2004-0002

9. Master Plan/Zoning: The subject property is zoned R-2-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-506(A)(2): Side Yard

The applicant proposes to construct a second-story on the footprint of an existing rear one-story addition. The existing addition is located 4.90 feet from the east side property line and encroaches into the required 7.00 foot side yard setback. The building measures 22.00 feet from grade to the roof eave, resulting in a required setback of 7.33 feet from the east side property line. The proposed second story will be located 4.90 feet from the east side property line. The applicant requests a variance for 2.43 feet.

NONCOMPLYING STRUCTURE:

The existing building at 314 East Del Ray Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front	25.00 feet	18.50 feet	6.50 feet
Side (East)	7.33 feet*	4.50 feet	2.83 feet

* Based on a building height of 22.00 feet when measured from grade to the eave line adjacent to the east side property line

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 strict application of the zoning ordinance does not result in undue hardship to the property owner nor does it result in confiscation or prevent reasonable use of the property. The subject lot is currently developed with a two and half story dwelling and a one story rear addition. The existing dwelling is located in close proximity to the front property line which creates a deep rear yard. The existing dwelling is also located in close proximity to the east side property line resulting in a wide west side yard. Staff finds that the siting of the existing

BZA CASE #2004-0002

dwelling within the required front and east side yard setbacks affords a greater opportunity to construct improvements on the lot within the nonrequired north rear and west side yards and without encroaching into required setbacks and in compliance with zoning ordinance regulations. Given the availability of nonrequired buildable lot area, strict application of the ordinance does not diminish the use of 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?
-

No hardship has been demonstrated in this case. The lot is similar in size and lot configuration to several other lots in the immediate vicinity.

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?
-

The dwelling was constructed prior to zoning ordinance requirements implemented for the R-2-5 zone.

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?
-

If approved, the proposed addition may have an adverse impact on the immediately adjacent neighbor to the west of the subject property. Although the addition will not expand the existing footprint of the dwelling, it will increase the visual mass of the dwelling which can be seen from the adjacent lot. However, the adjacent lot to the east of the subject property is vacant, therefore the proposed addition will not adversely impact that lot. Further, the existing dwelling and proposed addition are similar in scale with other dwellings in the neighborhood and are not likely to alter the character of the neighborhood nor have an adverse affect on the block face.

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

No other alternative plans will meet the needs of the applicants.

BZA CASE #2004-0002

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

No other official remedy exists except for a variance.

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

DEPARTMENTAL COMMENTS

Transportation and Environmental Services:

- F-1 No objections or recommendations.

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 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be present on this property. No archaeological action is required.

BZA CASE #2004-0002

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.