

Docket Item #2  
BZA CASE #2004-0001

Board of Zoning Appeals  
May 13, 2004

**ADDRESS:** 227 SOUTH PITT STREET  
**ZONE:** RM, RESIDENTIAL  
**APPLICANT:** CARL AND BEVERLY PATTON, OWNERS

**ISSUE:** Variance to construct a two story rear addition reducing the open space from 533.40 square feet to 447.00 square feet.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(B)(1)(a)	Open Space	533.40 sf *	447.00	86.40 sf

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\* Existing lot currently exceeds required open space. The lot contains 633.45 square feet of open space and the applicants proposes to reduce existing complying open space by 186.45 square feet.

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(INSERT AERIAL GRAPHIC HERE)

**STAFF RECOMMENDATION:**

The staff **recommends denial** of the requested open space variance, because the proposed addition does not meet the variance criteria.

**DISCUSSION:**

1. The applicants requests approval of an open space variance in order to construct a two-story rear addition to an interior townhouse dwelling at 227 South Pitt Street.
2. On March 11, 2004, the Board of Zoning Appeals deferred the applicants' request to enable the applicants time to explore design alternatives that would request a smaller open space variance and not result in a significant building impact on the adjoining neighbors. The applicants have revised their submission which reflects significant modifications to the original plans and a smaller open space variance. The applicants have indicated the following changes have occurred:
  - (a) the revised plan still includes the encapsulation of the first and second floor of the existing open stairway located along the side and rear of the existing house.
  - (b) the revised plan reduces building mass to the surrounding properties. The revised plan eliminates the second floor addition that extended beyond the home's existing main building and that was originally visible to the immediate neighbor.
  - (c) the revised plan reduces the first floor addition by 3.50 feet from the existing rear building wall. The smaller addition is now approximately 62.00 square feet less and totals 185 square feet. The revised plan requests a smaller open space variance. Based on the new plan, a total of 447.00 square feet of open space is provided rather than originally submitted 398.30 square feet. The revised plan provides an increase of 48.70 square feet of open space.
3. The subject property is one lot of record with 15.12 feet of frontage on South Pitt Street and a depth of 98.85 feet. The lot area totals 1,524 square feet. It is in the RM zone.
4. A brick three and half-story single-family dwelling with a basement and rear two-story addition occupies the property and is built slightly over the front property line of South Pitt Street, it shares party walls along the north and south side property lines, and is approximately 41.00 feet from the rear property line.

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5. The applicants propose to renovate the existing house by building following improvements.
  - (a) build a two-story addition along an open area on the south side of the existing house. The addition measures approximately 5.00 feet by 17.50 feet and totals 175.00 square feet of new floor area. The new addition will accommodate powder room, pantry and renovated kitchen on the first floor; larger bathroom and bedroom on the second floor. The new addition will be located on the south side property line is approximately 21.50 feet in height to the eave line of the facing the south side property line.
  - (b) Build a new one-story addition with a roof top balcony that measures 12.00 feet by 15.00 feet and totals 180.00 square feet. The new addition will accommodate a family room on the first floor and is located on the north and south side property lines. The addition is 11.00 feet to the top of the flat roof.
6. The existing property currently exceeds the 35 percent open space requirement in the RM zone. The subject property has 633.45 square feet of existing required open space (meaning open space as defined as a minimum of 8.00 feet in width by 8.00 feet in length). The subject property is required to provide 533.40 square feet of open space.
7. If the one-story addition is built, the amount of required open space will drop below the 35 percent requirement of 533.40 square feet to 447.00 square feet, a loss of 86.40 square feet of usable open space. Therefore, the applicants must seek an open space variance.
8. The proposed addition will comply with side and rear yard setback requirements as well as floor area.
9. The applicants state that only 4.00 feet of expansion to the building is possible under the RM zone requirements, which is not cost effective.
10. This property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). The demolition of the rear section as well as the proposed new addition must be approved by the BAR. Staff notes that the BAR is strongly opposed to open space variances in the historic districts.
10. There have been no previous variances approved for this property.
11. Since 1993, there have been no similar open space variances in the immediate area of the subject property heard by the Board of Zoning Appeals.

12. Master Plan/Zoning: The subject property is zoned RM, residential and has been so zoned since 1951, and is identified in the Old Town Small Area Plan for residential land use.

**REQUESTED VARIANCES:**

Section 3-1106(B)(1)(a), Open Space:

The RM zone requires each residential lot to provide open space in the amount of 35 percent or the amount existing as of 1992. A total of 533.40 square feet of open space is required on the subject property. There is currently 633.45 square feet of required open space on the lot. If the proposed rear addition is built, the applicants will reduce required open space to 447.00square feet. The applicants request a variance of 86.40 square feet.

**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 and does not have difficult topography which would prohibit or unreasonably restrict the use of the property. The desire for a rear addition does not constitute a hardship.

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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There is no hardship in this case, and the properties nearby have the same deep rear yards as does the subject property. In fact, nearby lots appear to meet or exceed required open space. The applicants' property shares the same physical constraints as adjacent properties on the block. The subject property is one of six nearly identical other properties on the same block which have almost identical physical conditions. The lots are narrow and deep; several of the lots are deeper and have more open space than required. The applicants propose to diminish even more required open space on a lot which is currently exceeds the amount of required open space.

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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 applicants have owned the subject property since 1999; at that time open space on the property exceeded the zoning requirement. The applicants now propose to reduce the amount of open space below the requirement. 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?
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Although the addition is modest in size, it will eliminate required open space. Open space is a means to control density on narrow or smaller lots such as many properties in the RM zone. The addition will reduce the supply of light and air to adjacent properties and will impact neighboring properties on whose rear yards now abut the subject property. These lots will now view slightly more mass on a narrow and deep lot. Approval of the variance will alter the open space character of the RM zone properties on the block, be contrary to the public interest and detrimental to adjacent properties, and will serve as a precedent for properties to build below the minimum required open space when the lot meets or exceeds the required open space in the RM zone.

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

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

**DEPARTMENTAL COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

\* The applicant is advised that if the variance or special exception is approved the following additional comments are required.

Transportation and Environmental Services:

F-1 No objections or recommendations.

Code Enforcement:

F-1 The existing window opening along the lot line of the adjacent property may create a fire exposure issue for the two properties. The applicant should meet with Code Enforcement at the earliest opportunity to discuss this issue and resolve any code issues with this project in advance.

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. This condition is also applicable to porches with roofs and skylights within setback distance.

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.

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- 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.
- R-1 Construction of the proposed addition may create an unsatisfactory exposure condition for the window of the building located on the adjacent interior lot line. It is recommended that the owner of that property be informed.

Recreation (Arborist):

- F-1 No trees will be affected by this plan.

Historic Alexandria (Archaeology):

- F-1 Development of this block occurred during the 18<sup>th</sup> century. The G.M. Hopkins insurance map of 1877 depicts a structure on this lot. The property therefore has the potential to yield archaeological resources which could provide insight into domestic activities in late 18<sup>th</sup>- and 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 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.