

Docket Item #3
BZA CASE #2004-0007

Board of Zoning Appeals
May 13, 2004

ADDRESS: 405 RUCKER PLACE
ZONE: R-5, RESIDENTIAL
APPLICANT: BOB AND LAURA REDDING, OWNERS,
BY GEORGE MYERS, ARCHITECT

ISSUE: Variance to construct three covered porches in a required front yard, a two story addition in a required front yard, and a two story addition in the required rear yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(1)	Front Yard (Covered Porch #B)	25.00 feet	12.00 feet	13.00 feet
	Front Yard (Covered Porch #C)	25.00 feet	16.00 feet	9.00 feet
	Front Yard (Covered Porch #D)	25.00 feet	20.00 feet	5.00 feet
	Front Yard (Two-Story Addition #G)	25.00 feet	19.00 feet	6.00 feet
3-406(A)(3)	Rear Yard (Two-Story Addition #G)	24.42 feet*	11.67 feet	12.75 feet

*Based on a building height at 24.42 feet measured from grade to the midpoint of the gable end facing the east rear property line.

(insert sketch here)

STAFF RECOMMENDATION:

The staff **recommends denial** of the requested variances because they do not meet the standards for a variance.

DISCUSSION:

1. The applicants request variances to construct four additions to the single-family dwelling at 405 Rucker Place. The applicant also proposes to construct three other additions which would not require a variance.
2. The subject property is comprised of two legal lots of record with a combined lot area of 8,656 square feet. The property is a triangular lot with 183.54 feet of frontage on Rucker Place and lot depth of 94.34 feet along the west property line. The hypotenuse at the east property line measures 206.37 feet.
3. The existing two and half-story dwelling is located 16.00 feet from the front property line facing Rucker Place, 20.00 feet from the west property line and 24.50 feet from the east property line.
4. A total of seven building additions are proposed for the house. A description of each improvement and whether a variance is required or not required is listed as follows. The proposed building improvements are identified by letter A through G on the accompanying plat.

Addition #A: Two-Story Addition

Build a two-story addition on the north facade of the existing dwelling measuring 13.00 feet by 14.00 feet. The addition measures 21.00 feet in height from grade to the midpoint of the gable facing the north property line and will be located 7.00 feet from the north property line. No variance is required.

Addition #B: Covered Porch

Build a one-story covered open porch on the front building wall facing Rucker Place. The porch measures 8.00 feet by 4.00 feet and will be located 12.00 feet from the west front property line. A variance of 13.00 feet is required from the front property line facing Rucker Place.

Addition #C: Covered Porch

Construct a one-story covered porch located on the south wall and on the same plane as the front facade of the existing dwelling. The covered porch measures approximately 9.50 feet by 6.00 feet and will be located 16.00 feet from the front property line facing Rucker Place. A variance of 9.00 feet is required from the front property line facing Rucker Place.

Addition #D: Covered Porch

Construct a covered porch located on the south wall of the proposed two-story addition. The covered porch measures 12.00 feet by 18.00 feet and will be located 20.00 feet from the west front property line facing Rucker Place and 9.25 feet from the east rear property line. A variance of 5.00 feet is required from the front property line facing Rucker Place.

Addition #E: One-Story Addition

Build a one-story addition along a portion of the east rear wall of the existing dwelling that measures 22.50 feet by 7.00 feet by 21.00 feet in height from average finished grade to the roof eave facing the east rear property line. The addition will be located 24.67 feet from the east rear property line. No variance is required.

Addition #F: Two-Story Addition

Build a two-story addition located along a portion of the east wall of the existing dwelling. The two-story addition measures 12.50 feet by 7.67 feet by 24.58 feet in height from average finished grade to the midpoint of the gable roof facing the east rear property line and 31.00 feet from the east rear property line. No variance is required.

Addition #G: Two-Story Addition

Build a two-story addition located along a portion of the south side wall of the existing dwelling that measures approximately 31.50 feet by 27.00 feet by 24.42 feet in height from average finished grade to the midpoint of the gable roof facing the east rear property line. The two-story addition will be located 19.00 feet from the west front property line adjacent to Rucker Place and 11.67 feet from the east rear property line. A variance of 12.75 feet is required from the rear yard setback requirement and a variance of 6.00 feet is required from the front property line facing Rucker Place.

7. Upon completion of the proposed improvements, the existing house will increase floor area from 1,370 square feet to 3,731 square feet (an increase of 272 percent or 2,361 square feet).
8. Since 1993, there have been no similar variance requests for rear additions or porches in the immediate area heard by the Board of Zoning Appeals.
9. There have been no variances previously granted for the subject property.
10. Master Plan/Zoning: The subject property is zoned R-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Northridge/Rosemont Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-406(A)(1), Front Yard:

The R-5 zone requires front yard setback of 25.00 feet. The applicants propose to construct Addition #A 12.00 feet from the front property line (a variance of 13.00 feet is required); construct Addition #C 16.00 feet from the front property line (a variance of 9.00 feet is required); build Addition #G 19.00 feet from the front property line (a variance of 6.00 feet is required); and, build Addition #D 20.00 feet from the front property line (a variance of 5.00 feet is required).

Section 3-406(A)(3), Rear Yard:

The R-5 zone requires a rear yard setback of 7.00 feet or the height of the building whichever is greater. The applicants propose to construct a two-story addition (addition #G) on the south wall of the existing dwelling. The proposed two-story addition is 24.42 feet in height from average finished grade to the midpoint of the gable roof and requires a rear setback of 24.42 feet. The proposed addition will be located 11.67 feet from the east rear property line. The applicants request a variance of 12.75 feet.

NONCOMPLYING STRUCTURE:

The existing dwelling at 405 Rucker Place is noncomplying structure with respect to the following:

	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard	25.00 feet	16.00 feet	9.00 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?

The subject property is a triangular shaped lot with sloping topography at the rear of the house toward the east property line. The subject lot exceeds the R-5 zone minimum 5, 000 square foot lot area requirement by 3,656 square feet. Of the 8,656 square feet of total lot area, 4,488 square feet of the lot is located outside of required setbacks. The subject property is currently developed with a 1,370 square foot two and half-story dwelling. The applicants propose to increase the gross floor area of the existing dwelling by approximately 227 percent. Although the lot is triangular, strict application of zoning requirements does not result in confiscation of the property nor does it prevent reasonable 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?

The lot is an unusual triangular configuration but is larger than all of the lots on the blockface with the exception of 311 Rucker Place immediately adjacent to the subject property. The lots on the blockface have similar west front setbacks and building footprint configurations. No hardship has been established 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?

The existing dwelling was constructed in 1935 and predates current zoning.

- 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?

Staff believes that the proposed additions within required setbacks will have an adverse impact on the character of the block. The applicants propose to more than double the amount of mass on the lot which would result in a building footprint far greater than the remaining dwellings on this street. Approval of the proposed addition could create an undesirable precedent for allowing development of this block face to occur within established setbacks. The front wall of the subject property already sits closer to the front property line than any other dwelling on this street frontage. Proposed Addition #A will project an additional 4.00 feet beyond the existing noncomplying front dwelling wall while Addition #C, Addition #D, and Addition #E will increase the amount of noncomplying square footage within the required front yard setback. Addition #G will increase square footage in both the required front yard and will encroach on the required rear yard. The project extends the footprint of the building at a proposed height which will place an even greater amount of mass in close proximity to the front and to the rear property lines which would adversely alter the character of the block face. Staff cannot support the significant encroachment into required front and rear yards which would alter the character of the block face and place a significant amount of mass in proximity to the street and an adjacent property.

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

Alternate plans considered did not meet the desires of the applicants.

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

No.

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:

- C-1 Change in point of attachment or removal of existing overhead utility services will require under grounding or a variance. (Sec. 5-3-3)
- C-2 Any work within the right-of-way requires a separate permit from T&ES.(Sec. 5-3-61)
- R-1 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- R-2 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet.
- R-3 If the construction of the residential additions will result in land disturbing activity in excess of 2500 square feet. The applicant is required to comply with the provisions of Article XIII of the City’s zoning ordinance for storm water quality control. The applicant may request, in writing to the Director of T&ES, a waiver from the requirements of the ordinance.
- R-4 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 storm water 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 proposed addition will be built within 15 feet of a large white oak tree located on the adjacent property. Excavation for the foundation/footing will disrupt a portion of the root system of the tree, negatively affecting the health of the tree.
- F-2 A large limb from the tree that hangs over the applicants property would most likely have to be removed in order to provide room to construct the addition.
- R-1 Construction within the dripline of the tree should be avoided if possible.

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.

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