

Docket Item #4
BZA CASE #2004-0006

Board of Zoning Appeals
May 13, 2004

ADDRESS: 420 EAST ALEXANDRIA AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: DEBORAH SIKES, OWNER, BY GAVER NICHOLS, ARCHITECT

ISSUE: Special exception to construct a second story above the entire footprint at the rear of the existing house and construct a rear one-story addition with a rooftop deck in the required east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (Second-Story)	7.00 ft*	2.20 ft	4.80 ft
	Side Yard (Sun Room)	7.00 ft**	3.20 ft	3.80 ft

* Based upon a building height of 19.00 feet to the eave line of the new second story addition which faces the east side property line.

** Based upon a building height of 11.00 feet to the top of the flat roof of the new one-story rear addition which faces the east side property line.

This case was deferred by the applicant prior to the April 8, 2004 hearing.

(insert sketch here)

STAFF RECOMMENDATION:

The staff **recommends denial** of the special exception because the property does not meet the special exception criteria.

DISCUSSION:

1. The applicant proposes to build (1) a second-story addition over the entire footprint of a one-story rear portion of the existing house and (2) remove an existing rear screen porch and replace it with a slightly larger sunroom within the required east side yard at 420 East Alexandria Avenue.
2. The subject property is a narrow single-family lot of record with 25.00 feet of frontage facing East Alexandria Avenue, a depth of 126.28 feet and totals 3,154 square feet of lot area.
3. The existing single-family dwelling is currently a noncomplying structure in that it does not comply with R-2-5 zone front and side yard setback requirements. The existing house, a two and one-half story detached dwelling with an open covered front porch and a rear screen porch, is built 6.40 feet from the front property line facing East Alexandria Avenue, 1.50 feet from the west side property line and 7.10 feet from the east side property line and 71.00 feet from the rear property line. Required side yard setbacks are 7.00 feet or one-third the building height on each side; the required front yard setback is 25.00 feet from East Alexandria Avenue. The house currently does not comply with the front yard setback nor the east side yard requirement; the second story addition and larger one-story rear addition also will not comply. Based upon real estate assessment records, the house was constructed in 1910.
4. The subject lot is substandard as to lot area and lot width for a R-2-5 zoned single-family lot. An R-2-5 zoned single-family lot requires a minimum of 5,000 square feet and a lot width of 50.00 feet. The subject lot is 3,154 square feet and a lot width of 25.00 feet.
5. Section 12-102(A) of the zoning ordinance states that 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. On November 17, 2001, City Council adopted the special exception regulations applicable to additions to existing noncomplying structures. This case falls within the group of cases to which the special exception applies because the applicant is seeking to extend and enlarge one noncomplying plane, the building wall now projecting into the required east side yard. The existing two and one-half story house is located 1.50 feet to 2.20 feet from the east side property line. The proposed second story will be in line with that plane but will extend higher to include a second story. The new sunroom addition will be located slightly behind the east building wall.

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6. The subject building does not meet R-2-5 zone regulations, and the second-story addition above the rear first floor and expanded rear one-story rear addition also will not comply with R-2-5 zone regulations as to the required setback from the east side property line. The east wall of second floor addition will be placed in line with the first floor wall; the new expanded one-story rear addition will be built slightly behind the existing first floor building wall.
8. A description of the two improvements to the existing house are as follows.
 - (a) Build a second-story addition over the entire foot print at the rear of the existing house which measures 23.00 feet by 14.70 feet and totals 338.00 square feet. The height of the new second-story addition from grade to the eave line of the roof facing the east side property line is 21.00 feet, which requires a east side yard of 7.00 feet. The proposed addition is located 2.20 feet from the east side property line. An increase in building height triggers the variance requirement of 4.80 feet.
 - (b) Remove an existing rear screen porch and replace it with a larger one-story sunroom addition which measures 8.00 feet by 13.00 feet and totals 104 square feet. The height of the addition from grade to the top of the flat roof facing the east side property line is 11.00 feet, which requires a east side yard of 7.00 feet. The proposed one-story addition is located 3.20 feet from the east side property line. A variance of 4.00 feet is required.
9. The proposed second floor addition will accommodate a master bedroom, closet and bathroom and a new sunroom.
11. The proposed improvements will comply with floor area requirements. (Refer to floor area calculations.)
12. The applicants indicate the proposed design is intended to enhance the architectural character of the house and improve limited bedroom space.
13. There have been no previous variances granted for this property.
14. Since 1993, there have been no similar variances or special exceptions in the neighborhood.
15. Master Plan/Zoning: The subject property is zoned R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential low land use.

NONCOMPLYING STRUCTURE:

The existing building at 420 East Alexandria Avenue is a noncomplying structure with respect to the following:

<u>Yard Provision</u>	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Front Yard	25.00 feet	6.40 feet	18.60 feet
Side Yard (East)	7.00 feet	1.50 feet	5.50 feet

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1302 FOR SPECIAL EXCEPTION:

This case asks the Board of Zoning Appeals to rule on whether a proposed second story above the footprint of the existing house and enlarged rear addition, located within the required east side yard, meets the standards recently adopted for a special exception for additions.

Special Exception Standards

The rules for additions built on noncomplying structures reflect Council's decision that property owners should be able to seek relief for modest improvements to their existing homes where one noncomplying wall currently projects into a required yard. In such cases, an applicant no longer needs to file a variance and argue a legal hardship. Under the recently adopted rules, the applicant is asked generally whether the improvement affects neighboring homes, whether the improvement is similar in character to other buildings within the immediate neighborhood and, finally, whether it represents the only reasonable location on the lot to build the proposed addition. The specific standards are:

- (A) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
- (B) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
- (C) Whether approval of the special exception will alter the essential character of the area or the zone.
- (D) Whether the proposal will be compatible with the development in the surrounding neighborhood.

- (E) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

In this particular case a proposed second story and enlarged one-story rear addition will be built above and align with an existing noncomplying wall which is now located 1.50 feet from the east side property line. No other relief is requested. The request to extend the one noncomplying plane is one for which a special exception may be sought.

Neighborhood Impact

The subject lot is surrounded by residential uses and abuts houses directly to the rear. An inspection of the immediate neighborhood revealed that there are homes with additions within a two block area of the subject property. However, the subject house is closer to its side property line and its neighbor than any other on the block. The neighboring home to the west is located as close as 1.50 feet from the shared east side property line. The subject property is also substandard as to lot area. Finally, the subject property is the only lot on this section of East Alexandria which is narrower than the adjoining lots on the block. The house, in fact, was built prior to the enactment of the side yard regulations.

The applicant wants to build a second floor the full length of the rear of the house thereby nearly doubling the size of the building. Although the rear second-story is in character with the existing house, it will result in more building mass facing the immediate property owner. Although there are other second floor additions to homes in the neighborhood and along Alexandria Avenue, the impact of the applicant's improvement will be greater because it is so close to its neighbor. In addition, with the new rear sunroom, the subject house will be longer than any of its neighbors. It is staff's opinion that the applicant's property fails to meet the test for a special exception because of the very close proximity of the building to the shared east property line. Although this case may appear to be a simple case it is, in fact, complex because of the closeness of the two dwellings and the narrowness of the subject property. The adjacent most affected house is two-stories but located on a larger lot is offset from the subject building. By constructing a second-story on the existing one-story rear addition light and air enjoyed by the neighboring property will be eliminated.

Unusual Building and Lot Characteristics

The existing house and lot is narrower and substandard compared to other single family lots on the block. In addition, the existing house is currently located 1.50 feet from the east side property line. Other homes along East Alexandria Avenue have more separation between structures and wider lots, thereby allowing light and air between properties without imposing more wall area on a neighboring property. Staff believes, given the lot size and existing building location, the proposed addition will harm the neighboring property because of the close proximity to the east side property line.

Reasonable Need

The applicant's needs, will impose a taller building mass in close proximity to the neighbor to the east. The subject property is a deep lot and some improvements could be accommodated without increasing the building height. The request to extend a new second floor 24.00 feet to the rear building wall is unreasonable, given the close proximity to the neighboring lot. The proposal exacerbates a situation which causes harm to the adjoining neighbor. There are also alternative locations that the applicant can consider even if it is a modest size new one-story rear addition. Therefore, staff recommends that the Board deny the special exception request.

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 Removal or relocation of existing overhead utility services will require undergrounding or a variance.
- C-2 Applicant must provide a design to mitigate impact on adjacent properties from stormwater runoff satisfactory to the Directors of Code Enforcement and Transportation and Environmental Services.

Code Enforcement:

- F-1 The submitted drawings show window openings within 3 feet of the property line in the proposed addition. 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. See C-1 below.
- 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 be 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.
- 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.

Recreation (Arborist):

- F-1 There is low potential for this project to disturb significant archaeological resources. No archaeological action is required.

Historic Alexandria (Archaeology):

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

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.