

Docket Item #6
BZA CASE #2004-0009

Board of Zoning Appeals
May 13, 2004

ADDRESS: 11 WEST MASONIC AVENUE
ZONE: R-5, RESIDENTIAL
APPLICANT: GEORGE WEIDNER

ISSUE: Special exception to construct a second story addition over the existing footprint in the required side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard (West)	7.00 ft*	6.80 ft	.20 ft

* Based upon a building height of 19.83 feet to the roof eave of the new second-story addition facing the west side property line.

(insert sketch here)

STAFF RECOMMENDATION:

The staff **recommends approval** of the special exception because the proposed addition meets the special exception criteria.

DISCUSSION:

1. The applicant at 11 West Masonic View Avenue propose to (1) build a second-story addition in line with an existing footprint of the one-story house which is located within the required west side yard, and (2) construct a rear one-story addition in compliance with R-5 zone side yard requirements.
2. The subject property is one lot of record with 42.33 feet of frontage facing West Masonic View Avenue, a depth of 100.00 feet and totaling 4,233 square feet of lot area.
3. The existing single-family dwelling is currently a noncomplying structure in that it does not comply with the R-5 zone west side yard setback requirement. The existing house, a one-story detached dwelling with a small one-story rear addition, is built 23.80 feet from the front property line facing West Masonic View Avenue, 7.00 feet from the east side property line, 6.80 feet from the west side property line and 31.00 feet from the rear property line. An existing driveway is located parallel to the west side property line. The required side yard setbacks are 7.00 feet or one-third the building height on each side. The required front yard is based on the prevailing setback established by existing dwellings on the same side as the subject property facing West Masonic View Avenue. Since the house currently does not comply with the R-5 zone side setback regulation, the second-story addition also will not comply. According to real estate assessment records, the house was constructed in 1940.
4. 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 seeks to extend and enlarge one noncomplying plane. In this case the existing house wall projects into the required west side yard, and the proposed second-story will be in line with that plane.
5. The subject building does not meet R-5 zone regulations, and the new second-story addition also will not comply with R-5 zone regulations as to the required setback from the west side property line. The walls of the second floor addition will be placed in line with the existing house; the new roof of the second floor is intended to compliment the existing roof style and building architecture.

6. A description of the two major improvements to the existing house are as follows.
 - (a) The proposed second story measures 28.60 feet by 32.20 feet and totals approximately 918 square feet. The height of the new second story from grade to the eave line of the roof facing the west side property line is approximately 19.83 feet (32.00 feet in overall height). The new second story will be located in line with the footprint of the existing house walls, which are located 6.80 feet from the west side property line and 7.00 feet from the east side property line and based on the increase in building height a special exception of less than half a foot (.20 feet) is needed. The new second floor will accommodate three bedrooms, closets and two bathrooms.
 - (b) The proposed rear one-story addition measures 12.00 feet by 24.00 feet. The new addition is located to comply with the R-5 zone side and rear yard requirements; therefore, no variance or special exception is requested. The new addition will accommodate a sunroom.
8. The proposed second-story and rear addition will comply with floor area requirements. (Refer to floor area calculations.)
9. There have been no prior variances approved for the subject property.
10. Since 1993, there has been one similar application heard by the Board in the immediate neighborhood as follows: (Staff report and Board action attached.)
 - On July 13, 1995, a variance was granted to build a two-story addition within the required east side yard setback at 24 West Myrtle Street (BZA#95-0021).
11. Master Plan/Zoning: The subject property is zoned R-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge/Rosemont Small Area Plan for residential land use.

REQUESTED SPECIAL EXCEPTION:

Section 4-406(A)(2), Side Yard:

The R-5 zone requires two side yard setbacks of 7.00 feet or one-third the building height, whichever is greater. The proposed second-story is located 6.80 feet from the west side property line. Based upon a building height of 19.83 feet to the eave line of the new second-story roof, a side yard of 7.00 feet is required. The applicant request a modification of .20 feet for the proposed second-story.

NONCOMPLYING STRUCTURE:

The existing building at 11 West Masonic View Avenue is a noncomplying structure with respect to the following:

<u>Yard Provision</u>	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Side Yard (West)	7.00 feet	6.80 feet	.20 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, located within the required west 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 when the proposal involves the expansion of only one noncomplying wall projecting 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 Board must determine 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 will be built above an existing house which is now located 6.80 feet from the west side property line. No other relief is requested. This request to extend one noncomplying wall meets the standards for a special exception application.

Neighborhood Impact

The subject lot is similar to other single-family lots along West Masonic View Avenue. An inspection of the immediate neighborhood revealed there are many homes with new or existing two-stories above existing building footprints. The neighboring properties to the north and south are platted approximately the same as the subject property. All of the lots adjoining the subject property provide a lot area, topography, building height and side yard setback comparable to their residential neighbors. There are few homes with side yard additions built closer to a side property line than the zoning rules permit. The houses, in fact, were built prior to enactment of the side yard regulations.

Light and Air

Constructing a second story could reduce light and air enjoyed by the neighboring property. However, in this case the neighboring house to the west is located approximately 20.00 feet from the applicant's building. The location of the neighbor's house to the applicant's building affords a reasonable distance to reduce the impact of the proposed second-story addition on their light and air. Other homes along this section of West Masonic Avenue have similar separation between structures, thereby allowing light and air between properties. Staff believes, given the similar lot characteristics and building location between the two neighboring homes, the proposed second floor does not appear to increase harm to the neighboring house.

Lot Characteristics

The subject property is slightly below the minimum lot area requirement for an R-5 zone lot, but a combination of level topography and placement of an existing garage limits the area in which to expand. Building above the existing building footprint provides a benefit in that it will continue to maintain an open rear yard. The most affected property owner is not opposed to the request.

Location of Improvements

The proposed second story could be constructed in compliance with the side yard requirement; however, it would result in recessing the second story approximately less than half a foot from the edge of the first floor wall facing the west side property line. This alternative would require more elaborate construction steps and could be more expensive. In addition, by recessing the addition may appear awkward architecturally as seen from the street. The second floor may appear as an add on rather than integrated with the existing building.

Staff Conclusion

The proposed second story is in character with the existing house and other houses on the block. Staff believes that the applicant's property meets the test for a special exception because the proposed design complements the existing house and adjacent residential homes, and because of the proximity of the building improvements to the shared west side property line. The proposed design is modest as viewed from the west side property line and does not unduly exacerbate existing

BZA CASE 2004-0009

conditions on the lot nor maximize the full floor area allowed on the lot. Staff recommends approval of the request for special exception.

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 undergrounding or a variance. (Sec. 5-3-3)
- R-1 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- R-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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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 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.