

Docket Item #5
BZA CASE #2004-00017

Board of Zoning Appeals
June 24, 2004

ADDRESS: 3209 CIRCLE HILL ROAD
ZONE: R-8, RESIDENTIAL
APPLICANT: MARION KIRBY, OWNER

ISSUE: Variance to construct a new entry canopy and two-story addition with attached garage, screened porch and open deck located in the required front yard facing Circle Hill Road and in the required front yard facing Beverly Drive.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard			
	Entrance Canopy (Circle Hill)	30.00 ft	11.00 ft	19.00 ft
	Two-Story Add (Circle Hill)	30.00 ft	13.00 ft	17.00 ft
	(Beverly)	30.00 ft	19.16 ft	11.84 ft
	Garage Addition (Circle Hill)	30.00 ft	15.00 ft	15.00 ft
	(Beverly)	30.00 ft	27.00 ft	3.00 ft
	Screen Porch (Beverly)	30.00 ft	22.00 ft	8.00 ft
	Open Deck (Beverly)	30.00 ft	24.00 ft	6.00 ft

(insert sketch here)

STAFF RECOMMENDATION:

Staff recommends **denial** of the variances because the proposed addition does not meet the variance criteria.

DISCUSSION:

1. The applicant proposes renovating the existing single-family dwelling by (1) demolishing an existing attached screen porch over a one-car garage attached along the north side wall of the existing house and constructing a two-story addition with a rear one-story addition, (2) build a new attached one-car garage with a second-story, (4) build a new front entry canopy facing Circle Hill Road, and (4) constructing a new rear one-story screen porch and open deck at 3209 Circle Hill Road.
2. The subject property, a through lot, is one lot of record with 71.02 feet of frontage on Circle Hill Road and 95.93 feet of frontage on Beverley Drive. The property is substandard in lot area for an R-8 zoned single-family lot and contains approximately 5,328 square feet. The property slopes extensively away from the existing building towards Beverley Drive. Several trees and shrubs are located at the rear of the building facing Beverley Drive and along the south property line.
3. The existing building with an attached garage with an upper level screen porch and rear ground level patio is located 13.10 feet from the front property line on Circle Hill Road and 35.00 from the front property line on Beverley Drive, 9.50 feet from the south side property line and 32.00 feet from the north side property line. Real Estate Assessment records indicate the house was built in 1935.
4. Section 12-1202(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.
5. The subject building does not meet the R-8 zone regulations, and the proposed building additions also will not comply with the R-8 zone regulations as to the required setback from Circle Hill Road and Beverly Drive.
6. The proposed major improvements to the existing house are as follows:
 - (a) Demolish an existing attached one-car garage with an upper level screen porch located along the north side building wall and replace with a two-story addition. The new two-story addition with a new basement measures 13.50 feet in width by approximately 22.00 feet (a lower level basement is slightly larger 13.50 feet by

23.50 feet) by 31.50 feet in overall height (from grade to the top of the roof) facing Beverly Drive and 24.50 feet in overall height facing Circle Hill Road. The new addition is located 19.16 feet from the front property line facing Beverly Drive and 13.00 feet from the front property line facing Circle Hill Road. A variance of 10.84 feet and 17.00 feet is required.

- (b) Construct new attached one-car garage and second story attached along the north building wall of the new two-addition described above. The two-story addition measures 11.50 feet wide by 21.00 feet wide by 30.50 feet in overall height facing Beverly Drive by 24.00 feet in overall height facing Circle Hill Road.. The proposed second story is slightly smaller in size than the lower level garage. The proposed addition is located approximately 15.00 feet from the front property line facing Circle Hill Road and 27.00 feet from the front property line facing Beverly Drive. A variance of 15.00 feet and 3.00 feet is required.
 - (c) Construct new rear one-story screen porch and open rear deck facing Beverly Drive that measures 11.50 feet in depth by 24.50 feet in length. The screen porch and open deck project into the required front yard facing Beverly Drive. The screen porch and open deck are located 22.00 feet and 24.00 feet from the front property line facing Beverly Drive respectively. A variance of 8.00 feet and 6.00 feet are required.
 - (d) Construct a covered front entrance canopy across the entrance of the house facing Circle Hill Road. The new canopy measures 5.50 feet by 1.50 feet deep by 7.50 feet in height. The new entry canopy is located 11.00 feet from the front property line facing Circle Hill. A variance of 19.00 feet is required.
8. The proposed building additions will accommodate a new basement; a new kitchen, sunroom, one-car garage, screen porch and open deck on the first floor; a master bedroom, bathroom and closet on the second floor. The current house has only two bedrooms with limited closet area and a small kitchen.
9. The applicant indicates that the variances requested are predicated upon the following hardships:
- (a) Due to the subject lot with double frontage, limited improvements can be placed to comply with the two 30.00 foot front yard setbacks. Based on the submitted plat, the front yard setback lines fall so that 5.00 feet of the existing screen porch and existing house were built upon in compliance with R-8 zone regulations. (Refer to attached plat.)

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- (b) The current residence and proposed additions will use only approximately 23 percent of the allowable floor area 1,691 square feet (.30) permitted on the site.
- (c) The R-8 zone regulations were adopted after construction of the existing house which was built in 1935.
- (d) The combination of the topography of the lot which slopes away from Circle Hill Drive towards Beverly Drive and the shape of the lot limits the reasonable development of the lot.

10. Since 1993, there have been two similar variance applications in the immediate area of the subject property which were heard by the Board of Zoning Appeals:

<u>Case#</u>	<u>Date</u>	<u>Address</u>	<u>Variance</u>	<u>Action</u>
_____98-0024	7/9/98	1 Washington Circle	Front Yds/Addn	Approved
94-0049	1/12/95	330 Circle Hill Rd	Side Yds/Addns	Approved

Copies of staff report and Board action for each case are attached.

11. Master Plan/Zoning: The subject property is zoned R-8 and has been so zoned since adoption of the Third Revised Zoning Map of 1951, and is identified in the North Ridge/Rosemont Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-306(A)(1), Front Yard:

The R-8 zone requires a front yard setback of 30.00 feet. The proposed improvements are located at its closest point 13.00 feet from the front property line facing Circle Hill Road and 19.16 feet from the front property line facing Beverly Drive. The new entry canopy is located 11.00 feet from the front property line facing Circle Hill Road. The applicant requests variances of 17.00 feet, 10.84 feet and 19.00 feet respectively.

NONCOMPLYING STRUCTURE:

The existing building at 3209 Circle Hill Road is a noncomplying structure with respect to the following:

<u>Front Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Circle Hill Road	30.00 ft	13.10ft	16.90 ft

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 property is a corner lot with two street frontages. The two front property lines are set at an angle, creating an irregular-shaped lot. The property is substandard in lot area. Finally, the property does have sloping topography towards Beverly Drive. The question presented to staff is whether the proposed improvements are reasonable given the conditions of the lot. Staff believes that the size of the existing home on this substandard lot is compatible with its lot characteristics, lot conditions and lot size. The applicant proposes to double the size of the house on this substandard lot. Staff believes the conditions of the property do not create a hardship nor unreasonable restriction when the zoning regulations are applied.

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 site although possessing two front yards is not a difficult one on which to build, and many of the lots facing Beverly Drive off Circle Hill Road have similar grades which do not curtail the amount of land coverage able to be constructed upon without employing creative construction techniques. Even so, other lots in the neighborhood, including other lots along Circle Hill Road, do have similar conditions as does the subject property. The subject lot and three adjoining lots have similar topographic and lot configuration.

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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 hardship is created by the applicant. The applicant has a house on the property. If the property owner wants to expand the existing building she is creating her own hardship.

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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The requested variances, if granted, will not impair an adequate supply of light and air to the adjacent property, although the improvements will add significant mass and height to the building. The proposal is to double the size of the house on a substandard lot.

5. Have alternate plans been considered so that a variance would not be needed?
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None that would not require an approved variance.

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

Transportation and Environmental Services:

- C-1 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Section 5-3-3)

Code Enforcement:

- C-1 Interior circular stairs shall comply with the requirements of the USBC.
- 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.
- 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.

Recreation (Arborist):

- F-1 No specimen trees are affected by this plan. However, mature trees may be removed.

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.