

Docket Item #8
BZA CASE # 2004-00020

Board of Zoning Appeals
June 24, 2004

ADDRESS: 404 EAST DEL RAY AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: SHERRI GOOD, OWNER

ISSUE: Special exception to construct a one-story addition in the required west side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard (West)	7.00 ft*	3.92 ft	3.08 ft

* Based upon a building height of 12.00 feet to the roof eave of the new one-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 404 East Del Ray Avenue proposes to build a one-story rear addition slightly recessed from the existing footprint of the one and one-half story house which is located within the required west side yard, and (2) construct a side yard one-story addition in compliance with R-2-5 zone side and rear yard requirements.
2. The subject property is three lots of record with 127.06 feet of frontage facing East Del Ray Avenue and a depth of 83.24 feet and totaling 7,615 square feet of lot area. The property abuts the portion of East Mount Ida Avenue which is closed to traffic and is now in use as park/open space land. This portion of East Mount Ida Avenue has never been vacated by the City. For the purpose of this application, staff has determined that the property line facing the unimproved section of East Mount Ida Avenue is a rear property line not a front property line.
3. The existing house, a one and one-half story detached dwelling with a front open covered porch and a small one-story rear addition, is built 9.00 feet from the front property line facing East Del Ray Avenue, 2.87 feet from the west side property line, 14.00 feet from the north rear property line and 118.00 feet from the east side property line.
4. The R-2-5 zone requires a side yard setback of at least 7.00 feet or one-third the building height on each side whichever is greater. The required front yard is based on the prevailing setback established by existing dwellings on the same side as the subject property facing East Del Ray Avenue. Since the house currently does not comply with the R-2-5 zone side setback regulation, the one-story addition also will not comply. According to real estate assessment records, the house was constructed in 1940.
5. The existing single-family dwelling is currently a noncomplying structure in that it does not comply with the R-2-5 zone west side yard setback requirement.
6. 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. In this case the existing house wall projects into the required west side yard, and the proposed one-story will be slightly off-set with that plane. The design of the addition and roof is intended to compliment the existing building architecture.

BZA CASE 2004-0020

7. The proposed rear one-story addition measures 13.50 feet by 17.50 feet by 12.00 feet in height from grade to the roof eave line facing the west side property line. The new addition will accommodate a master bedroom, closet and bathroom.
8. The proposed additions will comply with floor area requirements. (Refer to floor area calculations.)
9. There have been two prior variances filed and denied for the subject property. Both variance cases were requests to build two new semi-detached dwellings. (Staff Reports and Board Actions attached for BZA Cases #6096 and #6118).
10. Since 1993, there have been no similar applications heard by the Board in the immediate neighborhood.
11. 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 land use.

REQUESTED SPECIAL EXCEPTION:

Section 4-506(A)(2), Side Yard:

The R-2-5 zone requires two side yard setbacks of 7.00 feet or one-third the building height, whichever is greater. The proposed one-story is located 3.92 feet from the west side property line. Based upon a building height of 12.00 feet to the eave line of the new one-story roof, a side yard of 7.00 feet is required. The applicant request a modification of 3.08 feet for the proposed one-story addition.

NONCOMPLYING STRUCTURE:

The existing building at 404 East Del Ray 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	2.87 feet	4.13 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 one-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 one-story will be built behind an existing house which is now located 2.87 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 unique both in lot configuration and house placement to other single-family lots along East Del Ray Avenue. The subject lot is one of two other lots located between Mt. Ida Avenue and Leslie Avenue which abut the unimproved section of East Mt. Ida Avenue. All other

neighboring lots face onto the actual street right-of-way of East Mt Ida Avenue. An inspection of the immediate neighborhood revealed there are many homes with new or existing one-story rear additions. The neighboring properties to the west are platted similarly to the subject lot but are not as angular nor as large in lot area 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 one story addition 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 one-story addition on their light and air. Other homes along this section of East del Ray 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 addition does not appear to increase harm to the neighboring house.

Lot Characteristics

Although the subject property is larger than the minimum lot area requirement for an R-2-5 zone lot, and size and placement of the existing house affords a variety of areas on the lot for placement new additions without the need of special exception. However, building behind the existing building footprint provides a benefit in that it will continue to a relatively large open yard to the east. The applicant has indicated that the most affected property owner is not opposed to the request.

Location of Improvements

The proposed one-story could be constructed in compliance with the side yard requirement; however, it would result in recessing the addition 4.50 feet facing the west side property line. This alternative would however effect the architecture of the house. The interior circulation and floor plan between the house and the new addition could still occur without much awkwardness. In addition, by recessing the addition may appear awkward architecturally as seen from the street.

Staff Conclusion

The proposed one-story addition 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 additions and their placement results in the remainder of the lot preserved for open space. The proposed design is modest as viewed from the west side property line and does not unduly exacerbate existing 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 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:

- F-1 The submitted drawings show window openings within 3 feet of the lot line of Lot 886. The plans do not indicate if these are existing or proposed windows. 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.
- F-2 Proposed project extends from Lot 885 to Lot 884. Construction cannot extend beyond the lot line, regardless of ownership. The two lots shall be combined as one lot and the property line between the two lots shall be removed in order to review the proposed project.
- 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.
- C-8 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 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this project to disturb significant archaeological resources by this project. 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.