

Docket Item #2
BZA CASE #2004-00055

Board of Zoning Appeals
March 10, 2005

ADDRESS: 2500 CAMERON MILLS ROAD
ZONE: R-8, RESIDENTIAL
APPLICANT: ROBBIE AND SHEARON WILLIAMS, OWNERS BY DIANA KUO,
ARCHITECT

ISSUE: Variance to construct a two story addition in the required side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(2)	Side Yard (North)	11.25 ft*	8.00 ft	3.25 ft

* Based on a building height of 22.50 feet to the eave line of the new two-story addition roof and a 1:2 ratio of setback to building height.

BOARD OF ZONING APPEALS ACTION OF FEBRUARY 10, 2005: On a motion to defer by Mr. Allen, seconded by Mr. Almquist, the variance was deferred by a vote of 6 to 0.

Reason: To allow the applicant more time to explore design alternatives and to have the application heard by a full board.

Speakers:

Diana Kuo, architect and Robbie Williams, owner, made the presentation.

(insert sketch here)

STAFF CONCLUSION:

Staff recommends **denial** of the request because the applicants have not demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office.

I. Issue

The applicants propose to construct a two-story addition in the required north side yard for the single-family dwelling at 2500 Cameron Mills Road.

II. Background

The subject property, a corner lot, is one legal lot of record with 90.40 feet of frontage facing Cameron Mills Road, 119.05 feet of frontage on Virginia Avenue and a total lot area of 8,644 square feet.

A two-story frame single-family dwelling with a front screen porch is located 23.00 feet from the front property line facing Cameron Mills Road, 11.70 feet from the north side property line, 37.70 feet from the front property line facing Virginia Avenue and 58.00 feet from the west side property line. A detached one-story frame garage is located 2.60 feet from the west side property line and 5.00 feet from the north side property line.

III. Description

The applicants filed a building permit (BLD2004-03790) in November of 2004 with the City to construct a one-story and two-story addition along the west wall of the existing building. As indicated on the submitted plat, the proposed one-story addition is located in compliance with the R-8 zone regulations. The proposed two-story addition facing the north side property line is proposed to be placed 8.00 feet from the north side property line. A variance is required for the two-story addition because the height of the two-story addition requires a greater side yard distance because of the second story. Based on a building height of 22.50 feet to the roof eave line of the two-story addition a side yard setback of 11.25 feet is required instead of the minimum 8.00 feet setback.

The City will generally allow work to proceed on the remainder of the site that is not the area that requires a variance. In this case, On January 7, 2005, the City released a the building permit to allow construction of the of the additions except the second floor of the two-story addition facing the north side property line.

The proposed two-story addition measures approximately 17.00 feet wide along the west facade and 26.00 feet along the north side facade. The height of the addition from grade to the eave line of the addition roof facing the north side property line is 22.50 feet; the overall

BZA CASE #2004-00055

height of the addition to the ridge line of the roof is 27.00 feet. The two-story addition will accommodate new kitchen and eating area on the first floor and a master bedroom and bathroom on the second floor.

The proposed two-story addition will add a total of 884.00 square feet of living area to the existing dwelling. Upon completion of the proposed work the existing and new improvements will total 2,782 square feet. A total of 3,025 square feet of buildable area is permitted on the property.

There have been no previous variances approved for this property.

IV. Master Plan/Zoning

The subject property is zoned R-8 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and is identified in the Northridge Small Area Plan for residential land use.

V. Requested Variances

Section 3-306(A)(2), Side Yard

The R-8 zone requires each residential building maintain a minimum side yard of 8.00 feet or at least one-half of the building height. The proposed two-story addition will be located 8.00 feet from the north side property line. The proposed addition is 22.50 feet from grade to the eave of roof facing the north side property line resulting in a setback requirement of 11.25 feet. The applicant requests a variance of 3.25 feet.

VI. Noncomplying structure

The existing building at 2500 Cameron Mills Road is a noncomplying structure with respect to the following:

<u>Front Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
	30.00 ft	23.00 ft	7.00 ft
	(Cameron Mills)		

VII. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.

BZA CASE #2004-00055

- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VIII. Applicant's Justification for Hardship

The applicants' justification for hardship is that the zoning rules create an unreasonable restriction on the use of the property. In addition, a variance is needed in order to build a reasonable addition and maintain the integrity of the existing house while preserving the front yard space on the Virginia Avenue side of the property. The applicants state they did explore alternative solutions, but their major criteria was to save two important windows in the existing house. The submitted design is intended to (1) preserve windows in the main house and (2) to construct an addition that is visually appealing while avoiding a long and narrow addition to the house.

VIII. Staff Analysis

The reasons set forth by the applicants do not constitute the basis for a hardship nor granting of a variance. The applicants can build the second floor but the addition needs to be narrower (reduced by 4.00 feet). A 22.00 feet wide addition (which includes both the first and narrower second floor) is more than adequate to accommodate the needs of the applicants. The zoning rules do not create an unreasonable restriction on the use of the property. If the addition were built in compliance with the side yard setback of 11.25 feet it would align with the north wall of the existing house, creating a nicely scaled side elevation and still maintain the openness of the front yard facing Virginia Avenue as desired

BZA CASE #2004-00055

by the applicants. Alternatively, rather than construct a two-story addition, a one-story addition could be placed 8.00 feet from the north side property line in compliance with the side yard requirement. The zoning regulations do not create an unreasonable use of the property. Alternative architectural design solutions not been exhausted.

The subject property has no unusual lot characteristics (it is flat with no topographic condition that will prohibit the use of the lot). The lot is substandard, slightly smaller than the minimum lot size requirement of 9,000 square feet for a corner lot. There are no large trees that would affect the placement of a smaller addition. Other corner lot properties within the neighborhood are either similar or smaller in size and lot configuration to the subject property. The subject property has similar characteristics to other neighboring properties and those properties have built additions in compliance with the zoning regulations. The subject property is not unique.

The variance, if granted will impact the adjacent property at 2502 Cameron Mills Road by placing a significant amount of mass in height as well as proximity to the adjacent dwelling. Sanborn maps indicate the adjacent house is within 8.00 feet of the shared north side property line. Staff finds that the siting of the existing dwelling presents significant opportunity to construct a two-story addition to the dwelling that complies with the west and north side yards. The applicants desire the proposed two-story addition rather than a more modest two-story addition or consider a one-story addition.

The applicants have not made a case for hardship, which is a prerequisite for granting a variance.

Staff recommends **denial** of the variance.

STAFF: Hal Phipps, Division Chief
Peter Leiberg, Zoning Manager

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 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.(T&ES)
- C-2 Change in point of attachment or removal of existing overhead utility service, will require undergrounding or variance.

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.

BZA CASE #2004-00055

- 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 No specimen trees are affected by the variance required for this plan.
- F-2 Several holly trees may be removed as a result of the variance.

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.