

Docket Item #5  
BZA CASE # 2005-0005

Board of Zoning Appeals  
March 10, 2005

**ADDRESS:** 1018 QUEEN STREET  
**ZONE:** CL, COMMERCIAL LOW  
**APPLICANT:** DARRELL JONES, OWNER

**ISSUE:** Variance to raise two noncomplying walls on the side property lines.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-106(A)(2)(a)	Side Yard (East)	8.00 feet	0.00 feet	8.00 feet
4-106(A)(2)(a)	Side Yard (West)	8.00 feet	0.00 feet	8.00 feet

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(insert sketch here)

**STAFF CONCLUSION:**

Staff **recommends approval** of the variance request because the applicant has demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments and the proposed design must be approved by the Board of Architectural Review prior to approval for construction. The variance must also be recorded with the deed of the property in the City's Land Records Office.

**I. Issue**

The applicant proposes to construct a new roof, raise an existing wall on the east property line, and to construct a new wall on the west property line at 1018 Queen Street.

**II. Background**

The existing dwelling is a two-story structure which is constructed on the east side property line, 2.50 feet from the north front property line, 49.00 feet from the south rear property line, and encroaches 0.90 feet into the adjacent property along the west property line. The existing contains approximately 1,130 square feet of floor area.

**III. Description**

The applicant seeks a variance to replace the existing roof and raise the total height of the dwelling to 19.00 feet from grade to the top of the roof. The applicant states that this modification is necessary to achieve a more desirable interior ceiling height. The existing roof gently slopes from the north front facade to the center of the roof. The roof over the existing rear addition steps down from the center of the roof. The proposed improvements will not create additional floor area but will instead capture additional ceiling height by raising the rear portion of the roof to match the existing roof and ceiling height at the front elevation. The existing roof line at the front facade is 19.00 feet from grade to the top of the roof while the existing roof line at the rear facade steps down to 16.50 feet above grade.

The existing west wall of the dwelling is located over the west property line and onto the adjacent parcel at 1020 Queen Street. The applicant is not able to raise the existing west wall because this wall is not located on the subject property. City regulations prohibit such off-site modifications and limit modifications to direct repair and replacement only. Because the applicant would exceed the threshold of simply replacing or repairing the encroaching wall, the applicant proposes to build a new wall inside of the existing wall and inside the west subject property line.

The proposed east and west wall modifications require variances because they are both located within the required 8.00 foot side yards. Each wall would be raised at total of 2.60 feet to a finished building height of 19.00 feet. The roof line at the existing front elevation would not be raised and the configuration of the front facade would remain intact.

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This building is located in the Parker-Gray Historic District and is under the jurisdiction of the Board of Architectural Review (BAR). The Parker-Gray District is characterized by modest dwellings from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The date of construction for the two story frame house is somewhat uncertain, although it almost certainly predates 1901. There appears to have been a building in the vicinity of 1018 Queen Street as early as 1877. However the building shown on the 1877 Hopkins Atlas and subsequent 1891 and 1896 Sanborn maps has a somewhat different footprint from the existing building. Not until 1901 does the Sanborn map show a building with the same footprint as the existing, including the rear ell and one story front porch. The flat roofed house with Italianate cornice is typical of houses built in Alexandria from the 1870s through the 1910s.

**IV. Master Plan/Zoning**

The subject property is zoned CL, commercial and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Braddock Metro Small Area Plan for commercial and residential land use.

**V. Requested variances**

Section 4-106(A)(2)(a) Side Yard (East and West)

CL zone requirements state that each single-family residential use must provide two side yards of a minimum 8.00 feet each. The subject property currently maintains a 0.00 feet setback on the east side property line and encroaches on the adjacent property on the west property line. The proposed modifications will raise the existing wall on the east property line and will include a new wall on the west property line. The applicant requests a variance of 8.00 feet on both the east and west side yards.

**VI. Noncomplying structure**

The existing building at 1018 Queen Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (East)	8.00 feet	0.00 feet	8.00 feet
Side (West)	8.00 feet	-0.90 feet*	8.90 feet
Front	20.00 feet	2.50 feet	17.50 feet

\*West facade encroaches 0.90 feet onto the adjacent property at 1020 Queen Street.

**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.
- (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 applicant states that the improvements to the house are necessary to create a safe and usable dwelling.

**IX. Staff Analysis**

Staff finds that this case does in fact clearly demonstrate a hardship. The narrowness of the lot completely precludes any physical expansion of any kind. The two required 8.00 foot side yards exceed the width of the diminutive 14.00 foot wide lot. Single-family dwellings in the CL zone are required to provide a minimum of 50.00 feet of frontage, thus the two eight foot

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side yard requirements are intended to maintain setbacks on much larger residential lots than the subject property. In this case the strict application of the zoning ordinance as applied to the subject property necessarily create a hardship. The adjacent lots at 1014 and 1016 Queen Street are identical in lot configuration and share a similar hardship. The proposed improvements are not perceptible from the street as they would occur completely behind the existing facade and would not increase the overall height of the building beyond the existing facade. Preservation of the existing height, facade and building materials are important aspects of maintaining the character of the dwelling and the preservation of the historic district. Only 2.50 feet of additional wall height would be perceived from either adjacent property owner which would not likely impact each neighboring property's enjoyment of light and air. No alternatives exist which would allow any physical expansion of this dwelling. Therefore, staff finds that extreme narrowness of the lot, the lack of adverse public impact, and lack of alternatives justify a hardship in this case.

Staff recommends **approval** of both variances.

STAFF: Hal Phipps, Division Chief  
Rasheda Dupree, Urban Planner

**DEPARTMENTAL COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

\* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 No T&ES comments.

Code Enforcement:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-4 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 a large silver maple tree located on the east property line approximately 18 inches from the rear (south) property line. The tree will be negatively impacted by the construction of the proposed slab. As it is shared property both owners must agree to what is to be done about the tree. It is not a specimen tree.

Historic Alexandria (Archaeology):

- F-1 Tax records indicate that free African American households were located on this street face in 1810, 1830 and 1850; the block was part of the African American neighborhood known as Uptown. During the Civil War, the area at the corner of Patrick and Queen Streets on this block contained stables for the Mounted Provost Guards. The G.M. Hopkins insurance map indicates that a structure was present on this lot by 1877. The property therefore has the potential to yield archaeological resources that could provide insight into military activities and residential life, perhaps relating to African Americans, in 19<sup>th</sup>-century Alexandria.
  
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
  
- R-2 The above statement must appear in the General Notes of all site plans so that on-site contractors are aware of the requirement.

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.