

Docket Item #1
BZA CASE #2005-0007

Board of Zoning Appeals
April 14, 2005

ADDRESS: 620 SOUTH WASHINGTON STREET
ZONE: CL, COMMERCIAL LOW
APPLICANT: SAMUEL SHANKLIN

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

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-106(A)(2)(a)	Side Yard (North)	8.00 feet*	0.00 feet	8.00 feet
	(South)	8.00 feet**	2.00 feet	6.00 feet

* Based on a building height of 21.00 feet to the mid-point of the gable roof.

** Based on a building height of 24.00 feet to the mid-point of the gable roof.

(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. 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 two-story addition at the rear of the house at 620 South Washington Street.

The subject property is one lot of record with 15.00 feet of lot width facing South Washington Street and a depth of 123.41 feet and a lot area of 1,851 square feet.

II. Background

A two-story dwelling occupies the subject property and is located 12.50 feet from the front property line facing South Washington Street, 1.30 feet over the north side property line onto the adjoining residential property at 616 South Washington Street, 2.50 feet from the south side property line and 141.00 feet from the east rear property line. Two detached sheds are located behind the building, the smallest and closest shed to the house will be demolished. The remaining shed is located along the rear property line, 2.00 feet from the north side property line and 4.00 feet from the south side property line.



III. Description

The applicant seeks a variance to (1) demolish an existing concrete block shed located behind the main building, (2) renovate the existing rear portion of the house to be designed as a connector and integrated with the proposed new rear addition and (3) construct a new two-story rear addition.

The proposed two-story addition is located on the north side property line and 2.00 feet from the south side property line. The addition measures 13.00 feet by 31.90 feet and totals 824 square feet. The addition’s overall height from grade to the top of the roof is approximately 24.00 feet. The addition will accommodate a new kitchen and family room on the first floor and two bedrooms, bathroom and closet space on the second floor.

The subject property is located in the Old and Historic Alexandria District. Additions visible from the public right-of-way require review and approval of the Old and Historic Alexandria District Board of Architectural Review. The Board generally opposes additions which are more than 50% larger than the main historic block of the house. This addition is nearly 90% larger than the existing house.

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 Old Town Small Area Plan for commercial and residential land use.

IV. Requested variances

Section 4-106(A)(2)(a) Side Yard (North and South)

CL zone requirements state that each single-family residential use must provide two side yards of a minimum 8.00 feet each or one-third the building height whichever is greater. The existing building currently encroaches over the north side property line and 2.60 feet from the south side property line. The new addition will be located on the north side property line and 2.00 feet from the south side property line. The applicant requests a variance of 8.00 feet from the north side property line and 6.00 feet from the south side property line.

V. Noncomplying structure

The existing building at 620 South Washington Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (North)	8.00 ft	0.00 ft*	8.00 ft
Side (South)	8.00 ft	2.50 ft	5.50 ft
Front	20.00 ft	12.50 ft	7.50 ft

* North facade encroaches 1.30 feet onto the adjacent property at 616 South Washington Street.

VI. 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.

VII. Applicant's Justification for Hardship

The applicant states that the ordinance creates an unreasonable hardship and prevents a reasonable use of the property. The subject property is 15.00 feet wide. The imposition of two 8.00 feet side yards on a narrow lot renders the lot unbuildable.

VIII. Staff Analysis

This case clearly demonstrates a legal hardship. The narrowness of the lot completely precludes any physical expansion. The zoning ordinance requirement of two side yards of 8.00 feet renders the lot unbuildable. The two side yards exceed the width of the 15.00 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 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.

No alternatives exist, except rezoning of the property, which would allow any physical expansion of this dwelling. The narrowness of the lot and the lack of adverse public impact sufficiently support hardship in this case.

Staff recommends **approval** of both variances.

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

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:

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

Code Enforcement:

- F-1 Sheet A-2 depicts 5 windows located within 5 feet of the interior lot line. Those openings shall comply with C-1 below.
- C-1 All exterior walls within 5 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 skylights within setback distance.
- 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.
- C-9 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 The 600 block of South Washington Street was part of the free African American neighborhood known as The Bottoms. Tax records indicate that there were at least seven free African American households on this street face in 1850, but the exact addresses are not known. Therefore, this property has the potential to yield archaeological resources that could provide insight into the lives of free African Americans in Alexandria during the early 19th century.
- 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 the site plan 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.