

Docket Item #6
BZA CASE #2005-00014

Board of Zoning Appeals
April 14, 2005

ADDRESS: 310 SOUTH FAIRFAX STREET
ZONE: RM, RESIDENTIAL
APPLICANT: RICHARD BAWCOMBE, OWNER

ISSUE: Special exception to enlarge an existing two-story rear addition in the required south side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-1106(A)(2)	Side Yard (Rear Addition)	5.00 feet	0.00 feet	5.00 feet

(insert sketch here)

STAFF CONCLUSION:

The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

If the Board decides to grant a special exception, it should contain the conditions under the department comments. Special Exceptions must also be recorded with the deed of the property in the City’s Land Records Office.

I. Issue

The applicant proposes to improve their house at 310 South Fairfax Street by (1) enlarging an existing rear one and one-half-story addition to a two-story addition and (2) build a third story at the rear of the existing two-story house that will also straddle the newly renovated two-story rear addition. The proposed third story construction does not require a variance or special exception approval since it is located 5.00 feet from the north side yard property line in compliance with the RM zone regulations.

II. Background

The subject property, one lot of record, has 21.15 feet of frontage on South Fairfax Street, a depth of 79.42 feet and totals 1,262 square feet. On April 19, 2000, the Planning Commission approved a resubdivision of the subject lot and neighboring lot at 301 South Fairfax Street to align building encroachments on the respected lots. The resulting resubdivision eliminated the lot of record status of both lots. Section 3-1108(C)(3) of the zoning ordinance states that any lot of record in the RM zone as of February 10, 1953, with a lot width of less than 25 feet no side yards are required. The 2000 subdivision eliminated the grand fathering status of the lots resulting in the requirement for the subject property to provide two side yards of 5.00 feet each. The existing house complies with the required front setback and side setback facing the north side property line, but is not in compliance with the required south side property line.



The existing house two-story dwelling is located on the front property line facing South Fairfax Street. It shares a common party wall on the second floor along the north side property line with the building at 308 South Fairfax Street and is located on the south side property line Real estate assessment records indicate the house was constructed in 1846.

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.

III. Discussion

The existing one and one-half story rear addition is now in line with the existing rear wall of the main house. The addition will be enlarged to accommodate a two-story rear addition. The renovated rear addition will continue to be located 3.47 feet from the north side property line and on the south side property line. The addition will accommodate a bedroom and walk-in closet on the renovated second floor. Upon completion of the new second floor, the addition will continue to be no taller than 19.30 feet and no closer than 16.75 feet from the east rear yard property line.

Because the applicant is extending only one noncomplying wall (the wall of the main house and the wall of the existing rear addition facing the south side property line) the project is therefore eligible for a special exception. Upon completion of the work, the two-story rear addition will continue to be located 3.47 feet from the north side property line and on the south side property line. A modification of 5.00 feet is requested from the south side property line for both improvements.

There have been no prior variances nor special exceptions applied for or approved for the subject property.

IV. Master Plan/Zoning: The subject property is zoned RM residential 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 residential land use.

V. Requested Special Exception:

Section 3-1106(A)(2) Side Yard (South)

The applicant requests a special exception from the required 5.00 foot side yard requirement. A 5.00 feet side yard is required from the south side property line. The renovated rear addition will continue to be located on the south side property line. The applicant requests a special exception of 5.00 feet to enlarge the rear addition.

VI. Noncomplying Structure

The existing building at 310 South Fairfax Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (South)	5.00 feet	1.00 feet	5.00 feet

VII. Staff analysis under criteria of section 11-1302

This case asks the Board of Zoning Appeals to rule on whether a renovated rear addition located within the required south side yard meets the standards adopted for a special exception for additions.

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:

1. Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
2. 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.
3. Whether approval of the special exception will alter the essential character of the area or the zone.
4. Whether the proposal will be compatible with the development in the surrounding neighborhood.
5. 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 renovated rear addition are now located on the south side property line. No other relief is requested. This request to extend one noncomplying wall meets the standards for a special exception application.

VII. Neighborhood Impact

The subject lot is similar to other single-family lots along the 300 block of South Fairfax Street. An inspection of the immediate neighborhood revealed there are homes with new or existing two and three-stories above the existing building footprints. Several homes have undergone renovations by building additions to the properties. The neighboring properties to the north and south are platted approximately the same 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 a few homes with side yard additions built closer to a side property line than the zoning rules permit. The houses, in fact, were built shortly after the enactment of the side yard regulations.

VIII. Light and Air

Raising the wall of the existing rear addition on the subject property could reduce light and air enjoyed by the neighboring property. However, in this case the adjoining building to the north is located approximately 1.00 feet to 4.00 feet from the applicants' building and there will be no change along the south side property line. The location of the neighbor's house to the applicant's building will not change since the applicants' proposal is to maintain the current building line facing the south side yard property line. Other homes in Old Town and particularly along Fairfax Street have similar separation between structures. Staff believes given the current location between the two neighboring homes, the proposed enlargement of the rear addition does not appear to increase the harm to the neighboring houses.

IX. Lot Characteristics

The subject property is substandard as to lot area requirement for an RM zone single-family lot (1,262 square feet versus 1,452 square feet). In 2000, the subject property was resubdivided resulting in its loss in grand fathering status that would have permitted the improvements without a special exception. Staff would be concerned about over building on a substandard lot if it were not located on a block where other nearby lots appear to have similar lot area characteristics. Staff, believes, in this particular case the property's substandard lot area should not be viewed negatively against the application.

X. Location of Improvements

The proposed rear addition to a two- story could be constructed in compliance with the side yard requirement; however, it would result in recessing the improvements 5.00 feet from the edge of the existing wall facing the south side property line. Recessing the addition may appear awkward architecturally as seen from Fairfax Street.

XI. Staff Conclusion

The proposed improvement is in character with the existing house and other houses on the block. Staff believes that the applicant's property meets the criteria for a special exception. The proposed design when viewed from the south side property line does not unduly exacerbate existing conditions on the lot.

Staff recommends **approval** of the request for special exception.

STAFF: Hal Phipps, 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 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. (Sec. 5-3-3)

Code Enforcement:

- F-1 The proposed project shows windows along the south lot line within 5 feet of the interior lot line. These windows are in violation of 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 specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 According to Ethelyn Cox's *Historic Alexandria, Virginia, Street by Street, A Survey of Existing Early Buildings*, the house on this property was constructed in the mid-19th century. In addition, tax records indicate the presence of free African American households on this street face in 1810 and 1830, but the exact addresses are unknown. The lot therefore has the potential to yield archaeological resources that could provide insight into residential life in 19th-century Alexandria. However, the current project does not involve ground disturbance. Therefore, 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.