

Docket Item #2
BZA CASE #2005-0012

Board of Zoning Appeals
May 12, 2005

ADDRESS: 628 SOUTH SAINT ASAPH STREET
ZONE: RM, RESIDENTIAL
APPLICANT: KIM GAVIN, OWNER

ISSUE: Variance to construct a two story rear addition on the side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(A)(2)(a)	Side Yard (South)	5.00 feet	0.00 feet	5.00 feet

Deferred by the applicant prior to the April 14, 2005 hearing.

(insert sketch here)

STAFF CONCLUSION:

Staff **recommends approval** of the 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 remove an existing two story rear addition to construct a larger two story rear addition for the dwelling located at 628 South Saint Asaph Street._____

II. Background

The subject property is located on one lot of record containing 11.70 feet of frontage on South Saint Asaph Street. The lot extends 73.42 feet from South Saint Asaph Street to the rear lot line. The existing two story frame dwelling is attached by a party wall to the adjacent dwelling to the north at 626 South Saint Asaph Street. The subject dwelling is located on the south side property line and is abutting a second story overhang on the adjacent dwelling at 630 South Saint Asaph Street. The subject dwelling contains an existing rear addition measuring 7.80 feet wide by 9.10 feet long. The addition is located on the north property line and is approximately 4.50 feet from the south property line. The rear east facade is 40.00 feet from the rear property line. This addition would be removed and replaced with a larger addition extending the entire width of the lot.



III. Description

The proposed two story rear addition would measure 23.42 feet long and 11.74 feet wide. The new frame addition would be 14.40 feet longer than the existing 9.10 foot long addition. The new addition would be located 25.60 feet from the east rear property line. The addition would measure 21.50 feet in height from grade to the roof eave. A shed at the rear property line would be removed in order to meet minimum required open space standards and to accommodate the increase in the main building footprint.

The property is located in the RM zone which states that each interior end townhouse lot must provide one side 5.00 minimum side yard. The lot does not qualify as a lot of record as of February 10, 1953 because the lot was created as a result of a subsequent subdivision in December 1969. Therefore, because the dwelling is attached only to one adjacent dwelling by a party wall on the north side property line, the dwelling must maintain a setback distance of a minimum of 5.00 feet from the south side property line. The applicants request a variance of 5.00 feet to construct the addition on both the north and south side property lines.

The subject property is located within the Old & Historic Alexandria District, and is under the purview of the Board of Architectural Review. The Board must review and approve the design of the proposed rear addition prior to release of any building permits for construction.

There have been no variances previously granted 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 variances

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

The applicant proposes to construct a rear addition the full width of the property. The RM zone states that interior end unit townhome lots which were not lots of record as of February 10, 1953 must maintain one 5.00 minimum side yard. Because this lot resulted from a subsequent subdivision, any request to expand the dwelling which does not conform to current zoning requirements would be subject to variance review and approval. The proposed addition would be located on the north property line where the dwelling adjoins the adjacent dwelling by a party wall. Thus, the required side setback would be assessed from the south property line. The applicant proposes an addition on the south property line and requests a variance of 5.00 feet from RM zone side setback requirements.

VI. Noncomplying structure

The existing building at 628 South Saint Asaph Street is a noncomplying structure with respect to the following:

	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Side Yard (South)	0.00 feet	5.00 feet	5.00 feet

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 conditions of the application are not generally applicable to other property within the zone.

IX. Staff Analysis

Staff finds that the applicant demonstrates a hardship in this case. The subject property is both the smallest in lot area and at only 11.74 feet wide it is also the narrowest lot on this blockface. The unique characteristics of the lot create an exceptionally narrow condition

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which would only permit a 6.74 foot wide addition given strict application of the zoning ordinance setback requirements. The proposed addition would extend approximately eight feet beyond the rear facade of the dwelling at 626 South Saint Asaph Street and could somewhat impact light and air to the adjacent property. The impact of the proposed addition on adjacent properties would likely be minimal given that dwellings on either side at 624 and 630 extend beyond the existing rear facade of 626 and proposed rear facade of 628. The proposed rear addition could be seen from a mid-block public alley but would not be visible from South Saint Asaph Street and would not have any impact on the character of the blockface.

The lot characteristics are a unique condition which constitutes a hardship in this case. Staff recommends approval of the variance request.

STAFF: Hal Phipps, Planning and Zoning
Rasheda DuPree, Planning and Zoning

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:

- 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 the G.M. Hopkins Insurance Map, development on this block had occurred by 1877, but there may not have been a house on this lot. During the late 19th century, the area was part of the free African American neighborhood known as The Bottoms. The property therefore has potential to yield archaeological resources that could provide insight into African American life in 19th-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 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.