

Docket Item #4  
BZA CASE #2005-00021

Board of Zoning Appeals  
May 12, 2005

**ADDRESS:** 21 WEST MYRTLE STREET  
**ZONE:** R-5, RESIDENTIAL  
**APPLICANT:** JOHN AND KERRY ATES

**ISSUE:** Special exception to construct a two-story rear addition in the required west side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard	7.00 feet*	4.00 feet**	3.00 feet

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\* Based on a building height of 21.00 feet to the mid-point of the gable end roof facing the east side property line.

\*\* Measured from the roof overhang.

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(insert sketch here)

**STAFF CONCLUSION:**

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

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

**I. Issue**

The applicants propose to improve their house at 21 West Myrtle Street by constructing a two-story rear addition in line with the existing two-story house.

**II. Background**

The subject property, one lot of record, has 42.33 feet of frontage on West Myrtle Street, a depth of 100.00 feet and totals 4,233 square feet. The subject lot is substandard for an R-5 zone interior lot where the minimum lot size is 5,000 square feet.

The existing house two-story dwelling with a covered front porch and rear screen porch is located 13.00 feet from the front property line facing West Myrtle Street, 5.50 feet from the west side property line, 9.00 feet from the east side property line and approximately 37.00 feet from the north rear property line. Real estate assessment records indicate the house was constructed in 1925.



As indicated on the submitted plat, the existing house was built within the required east side yard. The existing house complies with the required east side yard and rear yard setback. Although the existing house is closer to the front property line than the R-5 zone requires (25.00 feet), the existing house complies with the established front setback of the adjoining homes on the same side of West Myrtle Street.

The applicants propose the following improvements to their home. Some of the improvements do not need a variance or special exception to construct.

- (a) Construct a two-story addition in line with the existing walls of the main footprint of the existing two-story house. The two-story addition measure 18.50 feet by 26.00 feet and will total approximately 962 square feet. The two-story addition will be a gable style roof and will measure 21.00 feet from grade to the mid-point of the gable roof on the south building facade; 24.00 feet to the ridge of the roof. The proposed addition will accommodate a family room and kitchen on the first floor and master

bedroom, closet and bathroom on the second floor. The proposed addition will be in line with the existing building walls. The new addition will be located within 5.50 feet from the west side property line and 11.00 feet from the east side property line. Because the applicants are altering one noncomplying wall located within the required north side yard the project is eligible for a special exception.

- (b) Built directly behind the new addition a new open deck will measure 8.00 feet by 12.00 feet and approximately 3.00 feet above grade. The new deck will comply with the minimum 7.00 feet side yard setbacks required for an R-5 zone property.
- (c) Build a covered open landing on the existing east building facade. The new landing will be located 5.00 feet from the east side property line in compliance with the zoning regulations. Section 7-202(A)(7) of the zoning ordinance permits open stairs to be located within a required side yard. The roof above the new stairs are also permitted under Section 7-202(A)(2) that allows a roof to project not more than four feet from the building wall into a required yard.
- (d) Build a small shed located along the east building wall of the new addition. The new shed is located 7.00 feet from the east side property line in compliance with the R-5 side yard setback requirement of 7.00 feet.
- (e) Build below grade open stairs to the basement area below the new addition which are in compliance with the zoning regulations.
- (f) Build a chimney on the east facade of the new addition. The zoning ordinance allows chimneys to project 20 inches into a required side yard.

**III. Description**

The existing dwelling is located within the required west side yard. Upon completion of the proposed two-story addition the house will continue to be located 5.50 feet from the building wall (4.00 feet from the roof overhang) facing the west side property line and 11.00 feet from the building wall (9.00 feet from the roof overhang) facing the east side property line. Based upon a building height of 21.00 feet a side yard setback facing the west side property line requires 7.00 feet. A modification of 3.00 feet is requested from the west side property line. Therefore, a special exception is requested for the expansion of one non-complying wall adjacent to the north property line.

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 R-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the North Ridge Small Area Plan for residential land use.

V. **Requested Special Exception:**

Section 3-506(A)(2) Side Yard (North)

The applicants request a special exception from the required minimum 7.00 foot side yard requirement. The existing west building wall is located 4.00 feet from the north side property line. The height of the proposed two-story addition measures 21.00 feet from grade to the gable roof facing the west side property line. A 7.00 feet side yard is required; the existing house is located 5.50 feet (from the building wall) and 4.00 feet (from the roof overhang) facing the west side property. The applicants request a special exception of 3.00 feet from the proposed roof overhang.

VI. **Noncomplying Structure**

The existing building at 21 West Myrtle Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (West)	7.00 feet	4.00 ft*/5.50 ft**	3.00 ft/1.50 ft

\* from the roof overhang.

\*\* from the building wall.

VII. **Staff analysis under criteria of section 11-1302**

This case asks the Board of Zoning Appeals to rule on whether a proposed two-story addition located within the required north side yard meets the standards adopted for a special exception for additions.

Special Exception Standards

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. 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.

**VIII. Addition's Impact on Light and Air**

The subject lot is similar to other single-family lots along West Myrtle Street. An inspection of the immediate neighborhood revealed there are homes with new or existing two-stories at the rear and in line with the main building footprints. There are a few homes with side yard additions built closer to a side property line than the zoning rules permit. Construction of the new addition will have an impact on the immediate neighbor along the west side property and the addition could reduce light and air enjoyed by the neighboring property. However, in this case the adjoining building to the west is located approximately 10.00 feet from the applicants' building. The R-5 zone requires a minimum of 7 feet to a common side property line. The location of the neighbor's house to the applicants' building affords a reasonable distance to reduce the impact of the proposed two-story addition on their light and air. In fact the neighbors at 23 West Myrtle Street support the applicants' request. Other homes along this section West Myrtle Street have similar separation between structures, thereby allowing light and air between properties. Staff believes, given the similar lot characteristics and building location between the two neighboring homes, the proposed addition does not appear to increase harm to the neighboring houses.

**IX. Lot Characteristics**

The subject property is substandard as to lot area requirement for an R-5 zone single-family lot, but a combination of level topography and large open rear yard and trees limits the area in which to expand. The house is not centered on the lot, but rather built slightly offset facing the west side property line resulting in the west building wall being located 5.50 feet facing the west side property line. Building in line with the main house provides a benefit in that it will continue to maintain a similar architectural style and maintain an open side yard. 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 and Architecture**

The proposed two-story addition could be constructed in compliance with the side yard requirement; however, it would result in recessing the addition resulting in a dissimilar architecture that the applicants are trying to preserve, would require more elaborate construction steps and could be more expensive. From the street the rear addition would appear awkward and may appear as an-add on rather than integrated with the existing building. On balance, the staff feels that architectural integrity is preserved by building in line with the existing house.

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**XI. Staff Conclusion**

The proposed two-story addition is in character with the existing house and other houses on the block. Staff believes that the applicants' property meets the test for a special exception, even though the lot is substandard and because the proposed design complements the existing house and adjacent residential homes. The proximity of the building improvements to the shared west side property line will still afford the adjoining property light and air. The proposed design when viewed from the north 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, Department of 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:

F-1 No comments.

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.
- 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.
- C-8 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 will be affected by this plan.

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.