

Docket Item #5
BZA CASE #2005-0040

Board of Zoning Appeals
September 8, 2005

ADDRESS: 1608 FROST STREET
ZONE: R-20, RESIDENTIAL
APPLICANT: RYAN KATZ, OWNER

ISSUE: Special exception to construct three dormers in the required front yard facing Frost Street.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-106(A)(1)	Front Yard (Frost St)	40.00 ft	38.00 ft	2.00 ft

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 prior to the release of a building permit.

(insert sketch here)

I. Issue

The applicant proposes to install three front roof dormers for the house at 1608 Frost Street. A portion of the dormers project into the required front yard facing Frost Street. The existing house is currently located 30.00 feet from the front property line facing Frost Street. Because the proposed dormers are placed in line with one noncomplying building wall (the front building wall) the project is eligible to apply for a special exception. The applicant is currently renovating the existing house and building a new rear garage that complies with the R-20 zone regulations.

II. Background

The subject property, a large corner lot, is one lot of record with approximately 170.00 feet of frontage facing Frost Street, 84.00 feet of frontage facing Lawrence Avenue and a lot area totaling 56,628 square feet.

The subject property is currently occupied by a two-story split-level stone and frame single-family dwelling with side additions located 30.00 feet from the front property line facing Frost Street, 100.00 feet from the front property line facing Lawrence Avenue and 50.00 feet from the west side yard property line. Real Estate Assessment records indicate the house was built in 1953.

Section 12-202(A) of the zoning ordinance states that no noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations for the zone in which it is located. The subject building does not meet R-20 zone regulations as to the front yard setback facing Frost Street and a portion of the three proposed roof dormers facing Frost Street also will not meet the front yard setback regulation.

III. Description

The three proposed dormers on the roof of the front building facade will enable the owner to use the attic area of the house as usable floor area. The new dormers will be evenly placed on the roof and located well below the roof line of the building. The existing house is currently located 30.00 feet from the front property line facing Frost Street. The majority of the new dormers are located in compliance with the 40.00 feet front setback requirement; 2.00 feet of each dormer projects into the required front yard setback, but none of the dormers are beyond the front building wall plane. A special exception of 2.00 feet from the front setback requirement facing Frost Street is requested.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

There have been no previous variances or special exceptions granted for this property.

IV. **Master Plan/Zoning:** The subject property is zoned R-20 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Seminary/Strawberry Hill Small Area Plan for residential land use.

V. **Requested Special Exception:**
Section 3-106(A)(1), Front Yard

The R-20 zone requires a minimum front yard setback of 40.00 feet. The existing house with three new front dormers will not increase its noncomplying front setback facing Frost Street. The existing building will continue to be located 30.00 feet from the front property line facing Frost Street. The proposed dormers are located 38.00 feet from the front setback facing Frost Street. The applicant requests a special exception of 2.00 feet from.

VI. **Noncomplying structure**

The existing building at 1608 Frost Street is a noncomplying structure with respect to the following:

<u>Front Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Frost Street	40.00 ft	30.00 ft	10.00 ft

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

This case asks the Board of Zoning Appeals to rule on whether three proposed front dormers located within the required front yard facing Frost Street 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. 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 the proposed front dormers will be built behind the front building line that is now located 30.00 feet from the front property line facing Frost Street. No other relief is requested. This request to extend one noncomplying wall meets the standards for a special exception application.

VIII. Neighborhood Impact

The three proposed dormers will have little or no impact on the neighborhood.

IX. Light and Air

No light or air will be lost by the placement of the three dormers.

X. Location of Improvements

The proposed dormers will compliment the architecture of the house and appear from the street to have been part of the original construction.

XI. Staff Conclusion

The proposed dormers compliment the building architecture and pose little harm to the neighborhood.

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

STAFF: Hal Phipps, Division Chief
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:

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 trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 There is low potential for this project to disturb significant archaeological resources. Ground disturbing projects may require archaeological evaluations. No archaeological action is required for this project.

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.