

Docket Item #8
BZA CASE#2005-0043

Board of Zoning Appeals
September 8, 2005

ADDRESS: 511 QUEEN STREET
ZONE: RM ,RESIDENTIAL
APPLICANT: JAMES WOODS AND ROSEMARY FURFARO, OWNERS

ISSUE: Variance to add as second floor to an existing rear addition and construct a new two-story rear addition in the required west side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(A)(2)(a)	Side Yard (West)	5.00 feet	3.50 feet	1.50 feet

The staff **recommends approval** of the requested variance because the request meets the criteria for a variance. This approval is conditional on the review and approval of the Old and Historic Alexandria Board of Architectural Review.

If the Board decides to grant a variance, 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 applicants propose to (1) to widen an existing rear one-story addition and build a second floor and (2) build a new two-story addition directly behind and in line with the renovated existing rear addition for the dwelling located at 511 Queen Street. The proposed addition and renovated rear addition are located in the required west side yard._____

II. Background

The subject property is located on one lot of record containing 29.01 feet of frontage on Queen Street (the lot narrows from 29.01 feet to 21.00 feet where the existing rear addition is now located), extends 173.09 feet to the rear lot line. The existing two-story frame dwelling is located 13.00 feet from the front property line facing Queen Street, on the west side property line and 3.50 feet from the east side property line. The subject dwelling contains an existing rear addition measuring 12.00 feet wide by 15.00 feet. The addition is located on the west property line and is approximately 3.50 feet from the east side property line. The rear north facade is 94.00 feet from the rear property line. The applicants proposed to widen the existing rear addition by approximately 4.50 feet and build a second story and also construct a new two-story addition in line with the existing rear addition.

III. Description

The proposed new two story rear addition measures 11.50 feet by 16.50 feet and 23.50 feet in height to the top of the shed roof. The new addition is located on the west side property line and 3.50 feet from the east side property line. Upon completion of the renovations and new construction the property will continue to comply with the allowable floor area and open space requirements.

The subject property qualifies as a lot of record as of February 10, 1953 when located in the RM zone. The RM zone states that each residential lot which is at least 25.00 feet wide but less than 35 feet wide shall provide one side yard of a minimum of 5.00 because the lot was created as a result of a subsequent subdivision in December 1969. The existing building is located 3.50 feet from the west side property line, but must maintain a setback distance of a minimum of 5.00 feet. If the lot is less than 25.00 feet in width, no side setback is required. The applicants request a variance of 1.50 feet to construct the new addition and renovate the existing rear addition with a new second floor and to widen it facing the east and west 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. New construction visible from the public right-of-way requires review and approval of the Old and Historic Alexandria District Board of Architectural Review.

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 -East

The applicant proposes to construct a modified rear addition and new rear addition to within 3.50 feet of the east side of the property. The RM zone states that a lot of record as of February 10, 1953 must maintain one 5.00 minimum side yard. The proposed additions will be located on the west side property line where the dwelling now is located and within 3.50 feet of the east side property line. The applicant requests a variance of 1.50 feet from RM zone east side setback requirement.

VI. Noncomplying structure

The existing building at 511 Queen Street is a noncomplying structure with respect to the following:

	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Side Yard (East)	3.50 feet	5.00 feet	1.50 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 applicants state that property at the front lot line is 29.01 feet and narrows in width to 20.68 feet at the proposed additions. A reduction in the required 5.00 feet side yard seems reasonable because of the reduced lot width in the area of the proposed additions.

IX. Staff Analysis

Staff agrees that to impose one side yard requirement for a lot that narrows dramatically at the location of the proposed additions is unreasonable. The unique characteristics of the lot with a narrower width at the location of the addition places an unreasonable restriction on the applicants. If the property were less than 25.00 feet wide no side setback would be required. The lot's property line configuration is a unique condition which constitutes a hardship.

Staff recommends **approval** of the variance request with the condition that the proposed changes be approved by the Old and Historic Alexandria Board of Architectural Review.

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 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- 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 A 1784 deed reference indicates the possibility that a house may have been present on this lot in the 18th century. The G.M. Hopkins Insurance map shows that a house was definitely present by 1877. Therefore, there is the potential for archaeological resources to be present that could provide insight into residential life in early 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 Contact Alexandria Archaeology (703-838-4399) two weeks prior to any ground disturbing activity (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of The Zoning Ordinance) on this property. City archaeologists will provide on-site inspections to record significant finds.
- R-3 The above statements in R-1 and R-2 must appear in the General Notes of all site plans 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.

