

Docket Item #9
BZA CASE #2005-00045

Board of Zoning Appeals
September 8, 2005

ADDRESS: 536 EAST GLENDALE AVENUE
ZONE: RB, RESIDENTIAL
APPLICANT: DANIELLE FIDLER

ISSUE: Variance to construct a one story rear addition reducing the required open space by 36 square feet to 764 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(B)	Open Space	800 sq ft	764 sq ft	36 sq ft

Staff **recommends denial** of the request because the applicant has not demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.

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I. Issue

The applicant proposes to construct a rear one-story addition to her interior townhouse dwelling located at 536 East Glendale Avenue.

II. Background

The subject property, an interior townhouse lot, has 15.00 feet of frontage facing East Glendale Avenue, a depth of 92.00 feet and a lot area totaling 1,380 square feet. The subject lot is substandard for an RB, residential zoned lot.

The lot currently contains a two-story interior brick townhouse with a front open covered stoop. The dwelling measures 15.00 feet wide by 27.00 feet long and shares a common party wall on the east and west side property lines. The building is located on 25.00 feet from the front property line facing East Glendale Avenue and approximately 39.00 feet from the rear property line. As indicated on the submitted plat, the rear property line faces a 18.00 feet wide alley. Real estate assessment records indicate the house was built in 1945.

The property is currently a complying lot with respect to open space. The RB zone requires 800 square feet of open space; the subject property provides approximately 959 square feet in open space spread over a portion at the front of the lot and the remainder on the rear yard.

If the proposed addition is built, applicant proposes to provide 764 square feet of open space, resulting in a request for a variance of 36 square feet from the 800 square feet open space requirement.

III. Description

The proposed one-story addition with a basement measures 18.33 feet by 15.00 feet by 15.00 feet in overall height and totals 273 square feet. As shown on the submitted floor plans, the new addition will accommodate in the basement a bedroom, closet and mud room; on the first floor a family/dining room and a roof deck employing green roof technology.

Upon completion of the proposed addition, the property will continue to comply with the allowable floor area. (Refer to attached floor area computation sheet).

There have been no variances previously granted for the subject property.

IV. Master Plan/Zoning

The subject property is zoned RB, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Rosemont Small Area Plan for residential land use.

V. Requested variance

Section 3-706(B), Open Space

The RB zone requires that each property maintain a minimum 800 square feet of open space. The property is a complying lot which currently provides 959 square feet of open space. The proposed addition would eliminate complying open space below the minimum required to 764 square feet of open space. The applicant seeks approval of a variance of 36 square feet.

VI. Noncomplying structure

The existing building at 536 East Glendale Avenue is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Lot Size	1,980 sq ft	1,380 sq ft	600 sq ft
Lot Width & Frontage	18.00 ft	15.00 ft	3.00 ft

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 indicates that the zoning regulations places a disproportionate open space requirement on substandard size lots. Applicant further states that although this requirement is reasonable for complying lots of 1,980 square feet of lot area, it is unreasonable to place a 40 percent open space requirement (800 square feet) on lots platted in 1945 which are only 1,380 square feet. Many of the lots on the row in which the applicant's home is built have similar lot area. Lastly, the applicant states in order to address the modest loss of ground level open space, she plans to provide 270 square foot green roof which in spirit will continue to achieve the zoning ordinance goal of usable open space. Enforcement of the zoning ordinance will in the opinion of the owner prevent reasonable use of the property.

IX. Staff Analysis

Staff finds that the strict application of the zoning ordinance does not result in continued reasonable use of the property amounting to a confiscation of the property. The property currently contains a two-story dwelling with a basement. Staff finds that, given the amount of existing square footage on this lot, reasonable use of the property is not diminished by the strict application of the zoning ordinance requirements. The applicant can reduce the proposed addition by 2.40 feet in length to comply with the open space requirement.

Staff agrees that this townhouse block face is characterized by similar size lots and building units with 36 feet deep rear yards. Several properties within the block face of the subject property have similar lot configurations and dwelling square footage areas and appear to comply with required open space. No townhouses in the same row as the applicant's property have built a rear addition of the size proposed. There are few rear additions within the immediate neighborhood built on similar style townhouses, however, the lots are larger in area and depth than the applicant's property.

There is no hardship established by the applicant. Because the dwelling was constructed prior to the establishment of the zoning ordinance, the building footprint and lot configuration existed at the time the open space requirement of the current zoning ordinance was implemented. Staff commends the applicant in employing green roof technology to improve the environment. However, a roof top space does not meet the requirement for open space in the RB zone. Staff believes that the applicant's proposal will have an adverse affect on the development of the block. The elimination of additional ground level open space will

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also impact the immediately adjacent properties' enjoyment of light and air. Further, the interior of this portion of the block is open and visually unobstructed and staff is concerned that the proposed addition will continue the pattern of the depletion of limited visual and useable open space. Staff can not support the elimination of open space enjoyed by residents.

Based upon the above findings, staff recommends **denial** of the variance.

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:

- F-1 The proposed basement bedroom (Bedroom 1) shall comply with light, ventilation and emergency escape requirements of the USBC. The current design is not compliant.
- 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.

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- 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 There is low potential for significant archaeological resources to be disturbed by this project. 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.

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