

Docket Item #10  
BZA CASE #2005-0046

Board of Zoning Appeals  
September 8, 2005

**ADDRESS:** 211 FRANKLIN STREET  
**ZONE:** RM, RESIDENTIAL AND CL, COMMERCIAL LOW  
**APPLICANT:** THOMAS JEFFERS, OWNER, BY ROBERT BENTLEY ADAMS,  
ARCHITECT

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

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
4-106(A)(2)(a)	Side Yard (West)	8.00 feet *	3.50 feet	4.50 feet

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\* Based on a building height of 24.00 feet to the top of the flat roof.

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The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception. 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 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 construct a two-story addition in the required west side yard of the property located at 211 Franklin Street.

**II. Background**

The existing parcel is one lot of record with 28.25 feet of frontage on Franklin Street. The parcel extends approximately 76.58 feet along the east side property line from Franklin Street to the rear of the lot. The subject parcel is split zoned with the western portion of the lot zoned CL, commercial low and the eastern portion of the lot zoned RM, residential. The existing structure is a semi-detached dwelling which is adjoined by a party wall to the adjacent property at 209 Franklin Street. The subject dwelling is a two-story brick and stucco semi-detached dwelling located slightly over the front property line by 1.20 feet facing Franklin Street, shares a common party wall along the east side property line and 3.50 feet from the west side property line.

**III. Description**

The applicant proposes to construct a two-story side yard addition in the portion of the lot zoned CL, commercial low. The addition will be located forward and in line with the l-shape portion of the house which is located over 16.00 feet from the front property line. The addition will align with the west building wall of the house now located 3.50 feet from the west side property line. The two-story addition measures 12.20 feet by 15.75 feet by 24.00 feet in overall height to the top of the flat roof facing the west side property line. The proposed addition will accommodate expanded kitchen and entry hall on the first floor and a bathroom/laundry room and closets on the second floor.

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

The property is located within the Old and Historic Alexandria District. 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 or special exceptions previously granted for the subject property.

**IV. Master Plan/Zoning:** The subject property is split zoned with a portion of the lot zoned RM, residential and the remaining portion zoned CL, commercial low. The property's zoning characteristics has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Old Town Small Area Plan for residential land use.

**V. Requested Special Exception:**

CL zone regulations state that each semi-detached dwelling provide a side yard of a minimum of 8.00 feet or one-third the building height whichever is greater. The proposed addition is 24.00 feet in height and will be located 3.50 feet from the west side property line. The applicant requests a special exception of 4.50 feet.

**VI. Noncomplying structure**

The dwelling at 211 Franklin Street is noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (West)	8.00 feet	3.50 feet	4.50 feet

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

This case asks the Board of Zoning Appeals to rule on whether a two-story addition located within the required west 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.

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. Neighborhood Impact**

The proposed improvements will have minimal impact on the neighborhood. The proposed addition will not exceed the height of the existing dwelling and will blend architecturally with the existing house when viewed from Franklin Street and from the west side property. The west side property line. The front facade of the addition will align with the rear portion of the house and will not encroach further into the required setback than the existing noncomplying west dwelling facade. The property is unique in that it is situated in a residential and commercial zone. However, the zoning characteristics are not significant as to create an unreasonable impact on the neighborhood and adjoining properties. The building has been continuously used residentially.

**IX. Light and Air**

The proposed addition is located a significant distance from other neighboring properties and should not compromise light and air currently enjoyed by the most affected property to the west. The proposed addition will have little impact since the addition will face a brick driveway. The most affected building is over 20 feet from the new addition.

**X. Location of Improvements**

The location of the proposed improvements will create the least impact to the neighborhood as it will present a modest “infill” building mass on a block face where existing buildings are on the front property line facing Franklin Street. The addition will not project any closer to the west side property line than where the existing dwelling has been built. This location is the only location where the footprint of the existing dwelling could be reasonably expanded without removing valuable rear yard open space.

**XI. Staff Conclusion**

Staff concludes that the addition will not have an adverse impact on the block face. The improvements will not alter the character of the neighborhood and will have minimal impact on the adjacent property nor should the addition affect the character of the dwelling. Staff finds that the proposed improvements meet the criteria for special exception.

Staff recommends approval of the special exception 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 trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 Research has documented that the existing structure on this property probably dates from the early 19<sup>th</sup> century. In addition, tax records indicate the presence of a free African American household on the 600 block of Fairfax Street, but the exact address is not known. The lot therefore has the potential to yield archaeological resources that could provide insight into residential life, possibly relating to free African Americans, 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 The above statements in R-1 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.