

Docket Item #7  
BZA CASE #2005-0049

Board of Zoning Appeals  
October 13, 2005

**ADDRESS:** 3407 GILDEN DRIVE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** JOHN AND ELISE ARONSON

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

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	8.00 feet*	5.00 feet	3.00 feet

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\* Based on a building height of 15.50 feet to the eave line roof facing the north side property line.

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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 applicants propose to improve their house at 3407 Gildden Drive by constructing a two-story rear addition in line with the existing two-story house. The proposed new addition will be constructed where an existing wood deck is now built at the rear of the house.

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**II. Background**

The subject property, one lot of record, has 60.00 feet of frontage on Gildden Drive, a depth of 100.00 feet and totals 4,962 square feet. The subject lot is substandard for an R-8 zone interior lot where the minimum lot size is 8,000 square feet.

The existing house two-story dwelling with an attached garage below a screen porch is located 24.90 feet from the front property line facing Gildden Drive, 5.00 feet from the north side property line, 14.00 feet from the south side property line and approximately 35.00 feet from the east rear property line. Real estate assessment records indicate the house was constructed in 1940.

As indicated on the submitted plat, the existing house is built within the required north side yard and required front yard. The north side property line and the rear property lines are at an angle to the remaining lot lines. The existing house complies with the required south side yard and rear yard setback.

**III. Description**

The applicants propose to construct a two-story addition in line with the walls of the main footprint of the existing two-story house. The two-story addition measure 15.00 feet by 25.00 feet and will total approximately 750 square feet. The two-story addition will be a gable style roof and will measure 20.50 feet from grade to the ridge of the gable roof on the east building facade; 15.50 feet in height to the eave line of the roof facing the north side property line. The proposed addition will accommodate a dining room and kitchen on the first floor and master bedroom, closet and master bathroom on the second floor. The proposed addition will be in line with the existing building walls. The new addition will be located within 5.00 feet from the north side property line and 23.00 feet from the south 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.

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-8 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 3-306(A)(2) Side Yard (North)**

The applicants request a special exception from the required minimum 8.00 foot side yard requirement. The existing north building wall is located 5.00 feet from the north side property line. The height of the proposed two-story addition measures 15.50 feet from grade to the eave line of the roof facing the north side property line. An 8.00 foot side yard is required. The applicants request a special exception of 3.00 feet from the proposed roof overhang.

**VI. Noncomplying Structure**

The existing building at 3407 Gilden Drive is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (North)	8.00 feet	5.00 feet	3.00 feet

**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**

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

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 Gilden Drive. 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 north side property and the addition could reduce light and air enjoyed by the neighboring property. However, in this case the adjoining building (on a corner lot facing South Overlook Drive and Gilden Drive) is approximately 50.00 feet from the applicants' building. The new addition will face the neighbors expansive rear yard. The R-8 zone requires a minimum of 8.00 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 720 South Overlook Drive support the applicants' request. Staff believes, given the lot characteristics and building location between the two neighboring homes, the proposed addition does not appear to negatively impact the neighboring home.

**IX. Lot Characteristics**

The subject property is substandard as to lot area requirement for an R-8 zone single-family lot, but a combination of topography at the rear and angled north side and rear property lines, retaining walls and trees limits the area in which to expand. The house is not centered on the lot, but rather built offset facing the north side property line resulting in the north building wall being located 5.00 feet facing the north 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, because the lot is substandard, the north side property line is at an angle thus reducing expansion opportunities and the proposed design complements the existing house and will minimize the impact on nearby homes. The proximity of the building improvements to the shared north side property line will afford the adjoining property continued 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, Division Chief, Planning and Zoning  
Peter Leiberg, Zoning Manager, Planning and Zoning

**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.
- F-2 A white oak approximately 24" in diameter located a approximately 25 feet back from the northeast corner of the house, may be affected during construction.

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.