

Docket Item #2
BZA CASE #2005-0064

Board of Zoning Appeals
November 10, 2005

ADDRESS: 122 SOUTH FAIRFAX STREET
ZONE: RM, RESIDENTIAL
APPLICANT: ANNE AND CLAY PERFALL, OWNERS

ISSUE: Variance to construct a one-story addition and storage building on the north side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(A)(2)(a)	Side Yard (North)	5.00 feet	0.00 feet	5.00 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.

BOARD OF ZONING APPEALS ACTION OF NOVEMBER 10, 2005: On a motion to approve by Mr. Curry, seconded by Mr. Allen, the variance was approved by a vote of 7 to 0.

Reason: The applicant demonstrated a hardship due to the size of lot.

Speakers:

Bud Adams, architect, made the presentation.

Murney Keleher, Historic Alexandria Foundation, had questions, but did not speak in support or in opposition of the application.

(insert sketch here)

I. Issue

The applicants propose to build a one-story bathroom addition with storage along the north wall on an existing one-story rear addition for the dwelling at 122 South Fairfax Street. The proposed addition located on the north property line is partially screened by a brick wall facing the alley. _____

II. Background

The subject property is located on one lot of record containing 26.00 feet of frontage on South Fairfax Street and extends 114.00 feet to the rear lot line and totals 2,854 square feet. Two alleys abut the subject property, one alley along the north side property line and another alley abutting the rear property line. The existing three and one-half story brick dwelling with a two-story and one-story rear additions projects 1.20 feet over the property line facing South Fairfax Street, extends over the north side property line into the adjacent alley and shares a common party wall on the south with the adjoining residential dwelling at 124 South Fairfax Street.

III. Description

The proposed one-story side yard addition measures 6.00 feet by 9.00 feet by 9.75 feet in height from grade to the top of the shed roof and totals 56.00 square feet. The new addition is located on the north side property line facing an alley and is partially screened by a brick wall. 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 but less than 35.00 feet wide shall provide one side yard of a minimum of 5.00 feet. The subject lot is 26.00 feet. The subject lot narrows to 24.00 feet where the proposed one-story addition will be constructed. Under the RM zone regulations, if the lot was less than 25.00 feet in width, no side setback is required. However, because the required setback is taken based on the width of the lot facing South Fairfax Street, the applicants must obtain a variance to build on the north side property line.

The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed new addition will require approval of a Permit to demolition and capsulate and a Certificate of Appropriateness by the BAR. Staff believes the addition will not be very visible from the public right-of-way, and that the size and scale is appropriate for the property. For the BAR review, the petitioner should provide further photographs that show what the views of the location of the addition are from the rear alley.

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. Noncomplying structure

The existing building at 122 South Fairfax Street is a noncomplying structure with respect to the following:

	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Side Yard (North)	0.00 feet	5.00 feet	5.00 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 26.00 feet and narrows in width to 24.00 feet at the proposed addition. A reduction in the required 5.00 feet side yard seems reasonable because of the reduced lot width in the area of the proposed addition.

IX. Staff Analysis

Staff agrees that to impose one side yard requirement for a lot that narrows at the location of the proposed addition 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, 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 trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 According to Ethelyn Cox's *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot was constructed by 1796 by Jonah Thompson. It was listed as being damaged in the 1827 fire. The property therefore has the potential to yield archaeological resources 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 statements in R-1 and R-2 above must appear in the General Notes of the site plan 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.