

Docket Item #4  
BZA CASE #2005-0051

Board of Zoning Appeals  
November 10, 2005

**ADDRESS:** 114 NORTH PAYNE STREET  
**ZONE:** CD, COMMERCIAL DOWNTOWN  
**APPLICANT:** J. AND KATY KENNY, OWNERS, BY ROBERT BENTLEY ADAMS & ASSOCIATES, ARCHITECTS

**ISSUE:** Special exception to construct a one story rear addition on the north side property line.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
4-506(A)(2)(b)(1)	Side Yard (North)	5.00 feet	0.00 feet	5.00 feet

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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.

Deferred prior to the October hearing due to insufficient legal notice.

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

Reason: The application met the requirements for a special exception as outlined in the staff report.

Speakers

Bud Adams, architect, made the presentation.

(insert sketch here)

**I. Issue**

The applicants propose to construct a one-story rear addition in the required north side yard of the property located at 114 North Payne Street.

**II. Background**

The existing parcel is one lot of record with 25.42 feet of frontage on North Payne Street and extends 123.42 feet from North Payne Street to the rear of the lot and totals 3,137.30 feet of lot area. The existing frame structure on the lot is a single-family dwelling located 22.50 feet from the front property line facing North Payne Street, 5.00 feet from the south side property line, on the north side property line and approximately 51.00 feet from the rear property line.



*Existing house at 114 North Payne Street*

**III. Description**

The applicants propose to construct a one-story rear yard addition that will align with the rear building wall of the house now located 5.00 feet from the south side property line and on the north side property line. The one-story addition measures 16.00 feet by 20.70 feet by 14.50 feet in overall height to the top of the gable roof facing the rear property line. The proposed addition will accommodate a family room. CD zone regulations state that each single-family dwelling provide two side yards of a minimum of 5.00 feet. The proposed addition is located 5.00 feet from the south side property line, but is on the north side property line. Since the proposed project is extending one noncomplying wall along the north side property line, the project is eligible for a special exception. The applicants request a special exception of 5.00 feet from the north side property line.

Upon completion of the work, the proposed renovations will continue to comply with the CD zone floor area and open space requirements. (Refer to floor area calculations). There have been no variances or special exceptions previously granted for the subject property.

The subject property is an individually designated 100 Year Old Building. Any alterations and improvements to the building must be reviewed and approved by the Board of Architectural Review, Old and Historic Alexandria District, both for a Permit to Demolish and for a Certificate of Appropriateness for the one story rear addition. The BAR staff state the massing of the addition is appropriate as it occurs at the rear of the building mass and is considerably lower in profile.

**IV. Master Plan/Zoning:** The subject property is zoned CD, commercial downtown and has been so zoned since 1992, and is identified in the Old Town Small Area Plan for residential land use.

**V. Noncomplying structure**

The dwelling at 114 North Payne Street is noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (North)	5.00 feet	0.00 feet	5.00 feet

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

This case asks the Board of Zoning Appeals to rule on whether a one-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. Neighborhood Impact**

The proposed one-story addition will have minimal impact on the neighborhood.. The proposed addition is low in profile intending to blend architecturally with the existing house when viewed from North Payne Street and from the side property lines. The property is unique in that it is situated in either side of multi-family dwellings and commercial zoned. However, the zoning characteristics are not significant as to create an unreasonable impact on the neighborhood and adjoining properties.

**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 north. The apartment building to the north is located approximately 10.00 feet from the north side property line and located on the front property line facing North Payne Street. Because of the existing buildings placement the new addition will not cast shadows or deprive the adjoining property of light and air. The BAR staff state the massing of the addition is appropriate as it occurs at the rear of the building mass and is considerably lower in profile.

**X. Location of Improvements**

The location of the proposed addition 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 North Payne Street. The addition will not project any closer to the south 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.

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**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, Planning and Zoning  
Peter Leiberger, 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:

- F-1 Two windows on the North Elevation are located at zero interior lot line clearance and are in violation of C-1 below. The applicant shall provide documentation as to when the windows were installed in order to determine compliance with the applicable code requirements.
- F-2 Numerous windows are proposed along the South elevation around 5 feet from the interior lot line. Specific details relating to distance from the interior lot line and applicability of C-1 below will be determined at time of building permit plan review.
- 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.

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- 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 The G.M. Hopkins insurance map shows that a house was present on this property by 1877. Therefore, there is potential for archaeological resources to be present that could provide insight into residential life in early Alexandria.
- R-1 Call Alexandria Archaeology immediately (703838-4399) if any buried structural remains (wall foundations, well, privies, cisterns, etc.) or concentration 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 findings.
- R-3 The approve statement 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.

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