

Docket Item #10
BZA CASE #2005-0061

Board of Zoning Appeals
November 10, 2005

ADDRESS: 2718 SYCAMORE STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: DAVID AND ELIZABETH LUCCHESI, OWNERS

ISSUE: Variance to construct a second story, attic addition and rear covered open porch in the required side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(2)	Side Yard			
	(North)	15.50 ft*	9.00 ft	6.50 ft
	(South)	15.50 ft*	2.80 ft	12.70 ft

* Based on a building height of 31.00 feet to the highest eave line of the new roof.

Staff **recommends approval** of the request because the applicants have 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.

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 based on the topography of the lot, and the placement of the house on the lot.

Speakers:

David Lucchesi, owner, made presentation.

(insert sketch here)

I. Issue

The applicants propose to build above the existing footprint of a one-story single-family house with exposed basement at 2718 Sycamore Street to accommodate a (1) new second story, (2) new rear addition and (3) a new rear open covered porch. Because of the increase in building height for the proposed improvements the building will not comply with the applicable side yard setbacks in the R-8 zone. The existing house is currently located in the required north side yard.

II. Background

The subject property, two lots of record, is a through lot with 40.00 feet of frontage facing Sycamore Street and 40.00 feet of frontage facing Mosby Street and a depth of 200.00 feet along the north and south side property lines. The lot contains 8,000 square feet. The subject property is complying for an interior lot in the R-8 zone. The minimum lot size required for a lot is 8,000 square feet.

The property is developed with a two-story detached single-family dwelling with an open porch is located 15.90 feet from Sycamore Street, 2.80 feet from the north side property line, approximately 9.00 feet from the south side property line and 124.80 feet from the front property line facing Mosby Street. According to Real Estate Assessment records, the house was constructed in 1920. A driveway located off Mosby Street serves off-street parking.

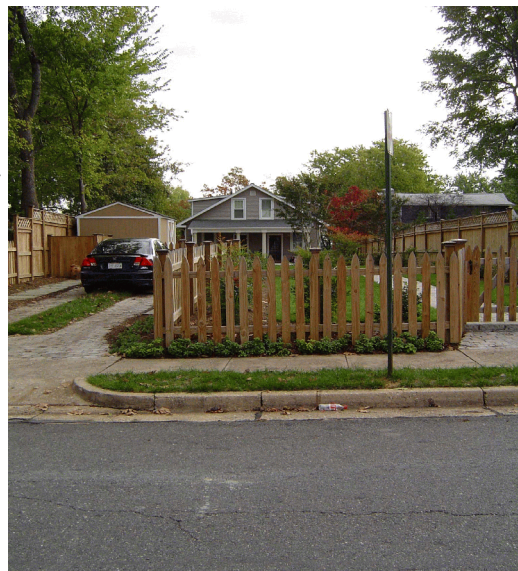
III. Description

The applicant propose to build a second story above the footprint of the existing house and expand the rear of the house with a new addition and covered open porch facing Mosby Street. As depicted in the submitted drawings, the existing house can be described as a one-story building with an above grade exposed basement. The three improvements are as follows:

- (1) The new second story measures 50.00 feet by 28.40 feet. The height of the building with new second story is 31.00 feet in height to the eave line of the new roof from



2718 Sycamore Street



2718 Sycamore Street view Mosby Street

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average finished grade facing the south side property line; 31.50 feet in building height from grade to the eave line facing the north side property line. The new second story will improve an existing floor plan that three smaller bedrooms and one bathroom to a larger floor plan to accommodate three larger bedrooms, closets and two bathrooms.

- (2) The new rear addition measures 10.00 feet by 28.40 feet and will accommodate new basement stairs, pantry, closet and dining area.
- (3) The new rear covered open porch measures 8.00 feet by 28.40 feet.

Based on the new building height of 31.00 feet to the highest roof eave of the new roof a side yard setback of 15.50 feet is required from the north and south side yard property line. Upon completion of the work the house will continue to be located 2.80 feet from the north property line and 9.00 feet from the south side property line. A variance of 6.50 feet and 12.70 feet is required.

On December 9, 2004, the Board of Zoning Appeals granted a variance for an existing 4.00 feet tall fence in the required front yard facing Mosby Street and 7.00 feet tall fence in the required side yards. (BZA CASE #2004-00043).

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 is identified in the Potomac West Small Area Plan for residential land use.

V. Noncomplying structure

The existing building at 2718 Sycamore Street is a noncomplying structure with respect to the following

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Front Yard (Sycamore)	30.00 ft	15.90 ft	14.10 ft
Side Yard (South)	8.00 ft	2.90 ft	5.10 ft
Lot Width	65.00 ft	40.00 ft	25.00 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.

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- (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

Construction of the second story is untenable because of the placement of the existing building footprint that encroaches on the north side yard setback. The property is unique in that it is a continuous through lot (frontage on Sycamore Street and Mosby Street) and has extremely hilly topography. The extreme slope of the property severely hampers building taller without seeking relief.

IX. Staff Analysis

Staff concurs that the extremely sloping topography, narrowness of the lot (the lot is 40 feet wide rather than the 65 feet wide as required by the zoning rules) and the placement of the existing house that encroaches into the required side yard combine to support a legal hardship. Alternatively, the applicants could construct new rear addition facing Mosby Street in compliance with the zoning regulations, but such a proposal would result in extending the length of the building which is currently 50.00 feet deep to a structure that could be longer and create more impact on the adjoining property to the north. The most affected neighbor

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has seen the applicants' plans and does not object to the requested variances. The proposed improvements will maintain the architectural character of the house and expand modestly at the rear in keeping with other nearby two and two-half story buildings.

For the above reasons staff **recommends approval** of the request for variances.

STAFF: Hal Phipps, Chief, Department of Planning and Zoning
 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 Size and scope of proposed addition does not require plot plan approval.

Code Enforcement:

F-1 Plans do not fully detail the use of the third floor addition.

F-2 The height of the structure exceeds the height and area limits of the International Residential Code, the USBC shall be applicable and the design shall meet the requirements pertaining to fire protection and emergency escape.

F-3 The South elevation proposes several overhangs with windows less than 3 feet from the interior lot line. The design of the project shall comply with C-1 below pertaining to lot line fire separation requirements.

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).

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- 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 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.