

Docket Item #1
BZA CASE #2006-0001

Board of Zoning Appeals
March 9, 2006

ADDRESS: 29 WEST MYRTLE STREET
ZONE: R-5, RESIDENTIAL
APPLICANT: KAREN CODA, OWNER

ISSUE: Special exception to construct a rear addition in the required east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	7.16 feet*	2.33 feet	4.83 feet

* Based on a building height of 21.50 feet to the eave line roof facing the east side property line.

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 applicant proposes to construct a two-story rear addition in line with their existing two-story house at 29 West Myrtle Street. The proposed new addition will be constructed where an existing one-story addition is now built at the rear of the house.

II. Background

The subject property, one lot of record, has 40.00 feet of frontage on West Myrtle Street, a depth of 100.00 feet and totals 4,233 square feet. The subject lot is substandard for an R-5 zone interior lot where the minimum lot size is 5,000 square feet.

A two-story detached single-family dwelling with open covered front porch is located 12.00 feet from the front property line facing West Myrtle Street, 2.33 feet from the east side property line, 13.50 feet from the west side property line and approximately 41.00 feet from the north rear property line. A one-story detached garage is tucked in the northwest corner of the property and is located 1.50 feet from the west side property line and 1.00 feet from the north rear property line. A driveway parallels the west side property line where it terminates at the garage. Real estate assessment records indicate the house was constructed in 1923.

As indicated on the submitted plat, the existing house is built within the required east side yard and required front yard. The existing house complies with the required west side yard and rear yard setback.

III. Description

The applicant proposes to (1) demolish an existing rear one-story addition and in its place and (2) 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 12.00 feet by 26.50 feet and will total approximately 660 square feet. The two-story addition with a hip roof measures 21.50 feet from grade to the eave of the roof facing the east side property line; 31.00 feet in overall height. The proposed addition will accommodate a kitchen and study on the first floor and master bedroom, closets and bathroom on the second floor. Two small bay windows will be built on the new second floor one facing the rear yard and the other facing the west side property line. The proposed addition will be in line with the existing building walls. The new addition will be located within 2.33 feet from the east side property line and 13.50 feet from the west side property line. Because the applicant is altering one noncomplying wall located within the required east 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-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

V. **Requested Special Exception:**

Section 3-406(A)(2) Side Yard (East)

The applicant requests a special exception from the required minimum 7.00 foot side yard requirement. The existing east building wall is located 2.33 feet from the east side property line. The height of the proposed two-story addition measures 21.50 feet from grade to the eave line of the roof facing the east side property line. An 7.16 feet side yard is required. The applicant requests a special exception of 4.83 feet from the proposed building wall.

VI. **Noncomplying Structure**

The existing building at 29 West Myrtle Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (East)	7.00 feet	2.33 feet	4.67 feet
Lot Frontage	50.00 feet	40.00 feet	10.00 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 east 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 this section of West Myrtle Street between Commonwealth Avenue and Russell Road. The majority of the lots are substandard in lot area and many of the homes have been built in one or both required side yards. Many of the homes have existing or new additions some are two-stories 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 east side property and the addition could reduce light and air enjoyed by the neighboring property. However, in this case the adjoining building (at 27 West Myrtle Street) with an intervening driveway is approximately 12.00 feet from the applicant's building which includes the 2.33 feet of distance from the applicant's building and the common east property line. The new addition will face the neighbors backyard and driveway. The R-5 zone requires a minimum of 7.00 feet to a common side property line. The location of the neighbor's house to the applicant's building affords a reasonable distance to reduce the impact of the proposed two-story addition on their light and air. In fact, the neighbor at 27 West Myrtle Street supports the applicant's 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-5 zone single-family lot and the house is not centered on the lot. Rather the house is built offset facing the east side property line resulting in the structure located approximately 2.33 feet facing the east 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 applicant is trying to preserve. 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.

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 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 east side property line will afford the adjoining property continued light and air. The proposed design when viewed from the east 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:

- R-1 A PLOT PLAN and/or grading plan showing all improvements and alterations to the site must be approved by the City prior to release of a building permit.
- R-2 City Code Section 8-1-22 requires that all new roof, surface and sub-surface drains be connected to the public storm sewer system. The grading plan shall demonstrate how any n Where a public storm sewer is not available, the applicant must provide a design to mitigate impact of storm water drainage onto adjacent properties to the satisfaction of the Director of Transportation and Environmental Services. ew downpours are to be connected to the public storm sewer system. Under no circumstance shall any new downpours be daylight.
- R-3 The applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity.
- R-4 An erosion and sediment control plan must be approved by T&ES for all areas of land disturbing activities.
- C-1 Change in point of attachment or removal of existing overhead utility services will require under grounding or a variance.
- C-2 Any work within the right-of-way requires a separate permit from T&ES.
- C-3 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe.

Code Enforcement:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of one 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

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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 be 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 causes 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 a 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 this project to disturb significant archaeological resources. No archaeological actions 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.