

Docket Item #2
BZA CASE #2006-0003

Board of Zoning Appeals
March 9, 2006

ADDRESS: 101 OAK STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: JAMES AND AMY DEVINE, OWNERS

ISSUE: Special exception to construct a one story rear addition in the required west side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard	7.00 feet*	1.40 feet	5.60 feet

* Based on a building height of 12.00 feet to the eave line roof facing the west 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 applicants propose to improve their house at 101 East Oak Street by constructing a one-story rear addition in line with the existing one and one-half-story house.

II. Background

The subject property, one lot of record, has 40.00 feet of frontage on East Oak Street, a depth of 100.00 feet and totals 4,000 square feet. The subject lot is substandard for an R-2-5 zone interior lot where the minimum lot size is 5,000 square feet.

The existing house one and one-half story dwelling with a covered open front porch is located 19.80 feet from the front property line facing East Oak Street, 1.40 feet from the west side property line, 8.00 feet from the east side property line and approximately 39.00 feet from the south rear property line. Real estate assessment records indicate the house was constructed in 1917.

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

III. Description

The applicants propose to construct a one-story addition with a basement in line with the walls of the main footprint of the existing single-family house. The one-story addition measure 16.00 feet (at its longest section) by 28.60 feet and will total approximately 392 square feet. The one-story addition will be a hip roof with a gable end facing the rear property line and will measure 12.00 feet from grade to the eave line of the roof facing the west side property line; 21.00 feet in overall height to the top of the roof ridge. The proposed addition will accommodate a bedroom and closets in the basement and a dining room and kitchen on the first floor. The proposed addition will be in line with the existing building walls. The new addition will be located within 1.40 feet from the west side property line and 8.00 feet from the east side property line. Because the applicants are altering one noncomplying wall located within the required west 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-2-5 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 3-506(A)(2) Side Yard (West)

The applicants request a special exception from the required minimum 7.00 foot side yard requirement. The existing west building wall is located 1.40 feet from the west side property line. The height of the proposed one-story addition measures 12.00 feet from grade to the eave line of the roof facing the west side property line. A 7.00 feet side yard is required. The applicants request a special exception of 5.60 feet from the proposed building wall.

VI. Noncomplying Structure

The existing building at 101 East Oak Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (West)	7.00 feet	1.40 feet	5.60 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 one-story addition located within the required west 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 East Oak Street. An inspection of the immediate neighborhood revealed there are homes with new or existing one or 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 west side property and the addition could reduce light and air enjoyed by the neighboring property. The adjoining building to the west at 27 East Oak Street is approximately 2.00 feet from the common side property line shared with the applicants' lot. However, as shown on Sanborn maps, the applicants' building is longer when viewed by the neighbor. The new addition will extend the subject house further into the back yard. The neighbor currently views the applicants main house, but will not have the physical mass of the new addition viewed directly from their house thereby the loss of the light and air on their building. However, the addition will reduce light and air when the neighbors are in their backyard.. The neighbor at 27 East Oak Street, however, is in support of the applicants' request. The applicants have shown their proposed plans to the other neighbor along the east side of their property and they also have given their verbal support for the project. The R-2-5 zone requires a minimum of 7.00 feet to a common side property line. The location of the neighbor's house to the applicants' building affords minimal distance to reduce the impact of the proposed one-story addition on their light and air. Staff believes, given the lot characteristics and building locations between the two neighboring homes, the proposed addition does not appear to increase the negative impact of the existing house.

IX. Lot Characteristics

The subject property is substandard as to lot area requirement for an R-2-5 zone single-family lot, but the placement of the existing house to one side of the property limits the area in which to expand. The house is not centered on the lot, but rather built offset facing the east side property line resulting in the west building wall being located 1.40 feet facing the west 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 one-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.

XI. Staff Conclusion

The proposed one-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 existing house is not centered on the lot side and the proposed design complements the existing house. The two adjoining property owners facing the subject property along the side property lines have given their support for the proposed addition. The proximity of the building improvements to the shared west side property line will afford the adjoining property continued light and air.

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 special exception 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 new down spouts are to be connected to the public storm sewer system. 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. Under no circumstance shall any new down spouts be day lighted.
- 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 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.