

Docket Item #3
BZA CASE #2006-0004

Board of Zoning Appeals
March 9, 2006

ADDRESS: 1000 MOUNT VERNON AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: MICHAEL SMITH

ISSUE: Variance to construct a two story addition 6.00 feet from the front property line facing Mount Vernon Avenue and 2.30 feet from the west side property line.

| CODE SECTION | SUBJECT | CODE REQMT | APPLICANT PROPOSES | REQUESTED VARIANCE |
|--------------|------------------|------------|--------------------|--------------------|
| 3-506(A)(1) | Front Yard | 25.00 feet | 6.00 feet | 19.00 feet |
| 3-506(A)(3) | Side Yard (West) | 7.00 feet | 2.30 feet | 4.70 feet |

Staff **recommends approval** of the request because the applicant has 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.

(insert sketch here)

I. Issue

The applicant proposes to (1) rebuild an existing two-story extension on the existing building and (2) build a new two-story addition with a front covered open porch in line with the rebuilt section of the main house at 1000 Mount Vernon Avenue.

II. Background

The subject property is a 5,271 square foot corner lot which has 150.00 feet of frontage on Mount Vernon Avenue and 38.00 feet of frontage on Spring Street.

The property is occupied by a two-story dwelling located 17.70 feet from the south property line adjacent to Spring Street, 4.30 feet from the west property line, 95.70 feet from the north property line, and 6.00 from the front property line facing Mount Vernon Avenue. The existing dwelling is a noncomplying structure because it has been constructed within the required east, south, and west yards. Real Estate Assessment records indicate the house was constructed in 1920.

On May 10, 1990, the Board of Zoning Appeals approved variances for front yard and highway setbacks for a covered open front porch. (BZA Case #6007). On May 8, 2003, the Board of Zoning Appeals granted front and side yard variances to extend an existing porch and construct a two-story side addition in the west side yard and east front yard facing Mt Vernon Avenue (BZA Case#2003-0018).

Although the subject property is located within the Town of Potomac Historic District, it is not listed on the 100 year old buildings list.

III. Description

The applicant now proposes to construct a new two-story addition in line with an existing two-story side addition and extend the existing front covered porch facing Mount Vernon Avenue. The proposed addition and covered open porch measures 20.00 feet by 24.30 feet and totals 770 square feet. The proposed addition and front porch extension will be located 6.00 feet from the east front property line facing Mount Vernon Avenue and 2.30 feet (from a new chimney) facing the west side property line. The height of the addition from grade to the eave line of the roof is approximately 17.50 feet.

Section 12-102(A) of the zoning ordinance states that no noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations of the zone in which it is located.

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

V. Requested variances

Section 3-506(A)(1) Front Yard: The R-2-5 zone requires each property to maintain a front yard setback of 25.00 feet. The proposed addition will be 6.00 feet from the front property line facing Mount Vernon Avenue. The applicant requests a variance of 19.00 feet.

Section 3-506(A)(2) Side Yard: The R-2-5 zone requires each single family dwelling to maintain a side yard setback of 7.00 feet or one-third the building height, whichever is greater. The height of the proposed addition from grade to the roof eave is 17.50 feet. As side yard of 7.00 feet is required. The proposed addition is located 2.30 feet from the west side property line. The applicant requests a variance of 4.70 feet.

VI. Noncomplying structure

The existing building at 1000 Mt Vernon Avenue is a noncomplying structure with respect to the following:

| Yard | Required | Existing | Noncompliance |
|-----------------------|----------|----------|---------------|
| Front (Mt Vernon Ave) | 25.00 ft | 7.00 ft | 18.00 ft |
| Front (Spring St) | 25.00 ft | 17.70 ft | 7.30 ft |
| Side | 7.00 ft | 4.30 ft | 2.70 ft |
| Lot size | 6,500 sf | 5,271sf | 1,229 sf |
| Lot width | 65.00 ft | 35.00 ft | 30.00 ft |
| Lot frontage | 40.00 ft | 38.09 ft | 1.91 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 11-1103 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 applicant states the shape of the lot and the placement of the existing house creates a situation where the new improvements cannot comply with the zoning ordinance. The existing house is currently located within several required side yards, including two front yards. Application of the zoning ordinance creates an unreasonable restriction on the property.

IX. Staff Analysis

Strict application of the zoning ordinance will create an undue hardship on the property owner. The application of the front and side yard setback requirements result in limited buildable area. The non-required yard within which the applicant would be allowed to build without seeking a variance is a triangular area which measures 118.00 feet long by only 5.42 feet wide at the widest point.

The subject property is further constrained by its classification as a corner lot and by the application of more restrictive corner lot setback requirements. The corner lot location creates a situation where 25.00 foot front yard setback requirements are applied to two required yards rather than one required yard. The imposition of an additional front yard setback, the most restrictive setback requirement, further decreases the amount of limited buildable area.

The hardship identified is unique to this property. The subject property has one of the narrowest lot widths of the adjacent parcels. Further, the siting of the dwelling in close proximity to the south and west property lines and unusual lot configuration create multiple non-complying yards. The proposed addition is in scale with the existing dwelling and will

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only add a modest amount of square footage to this lot. Given the unusual configuration of the non-required yard area, any proposed addition to this dwelling would necessarily be constructed within at least one required yard setback. No alternate location for this addition exists which would not require a variance approval. Staff, therefore, concludes that a variance would be needed for the proposed addition and porch as submitted.

Staff **recommends approval** of the request for variance..

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 plan shall demonstrate how any new downspouts are connected to the public storm sewer system. Where storm sewer is not available, the applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties to the satisfaction of the Director of Transportation and Environmental Services. Under no circumstances shall any new downspouts be daylighted.
- 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 undergrounding or a variance. (Sec. 5-3-3)
- C-2 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-3 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous unnderground pipe. (Sec. 8-1-22)

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 Habitable spaces within the basement area shall comply with the provisions for emergency escape per the USBC.
- C-3 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-4 Roof drainage systems must be installed so as neither to impact upon, nor causes erosion/damage to adjacent property.
- C-5 A soils report must be submitted with the building permit application.
- C-6 New construction must comply with the current edition of the Uniform Statewide building code (USBC).
- C-7 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 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-9 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-10 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 This property is listed on the 100 Year Old Building Survey and may contain archaeological resources could provide insight into residential life in 19th-century 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 The above statement must appear in the General Notes of all site plan sheets that involve demolition or ground disturbance (including sheeting and shoring and grading) 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.