

Docket Item #1
BZA CASE #2006-0007

Board of Zoning Appeals
April 13, 2005

ADDRESS: 125 NORTH EARLY STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: CLAYTON WIRTZ, OWNER

ISSUE: Requesting a special exception to build a second story on the existing house 4.70 feet from the west side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	11.25 feet*	4.70 feet**	6.55 feet

* Based on a building height of 22.50 feet to the mid point of the gable roof facing the west side property line.

** Distance from the new roof overhang 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 applicant proposes to improve his house at 125 North Early Street by constructing a second floor above the footprint of the existing house. An existing half-story on the house will be removed to be replaced by a full second story.

II. Background

The subject property, one lot of record, has 63.07 feet of frontage on North Early Street, a depth of 186.60 feet and totals 10,217 square feet. The subject lot exceeds the lot area for an R-8 zone interior lot where the minimum lot size is 8,000 square feet.

The existing one and one-half story dwelling with a rear one-story screen porch is located 42.20 feet from the front property line facing North Early Street, 5.70 feet from the west side property line, 15.50 feet from the north side property line and approximately 108.00 feet from rear property line. Real estate assessment records indicate the house was constructed in 1950.

As indicated on the submitted plat, the existing house is built within the required west side yard. The north side property line angles as it nears the rear property line. The existing house complies with the required front yard, north side yard and rear yard setback.



III. Description

The applicant proposes to construct a second story addition above the footprint of the existing footprint of the existing house. The applicant is enlarging his house now at 1,134 square feet to 2,141 square feet (adding 1,057 square feet). The zoning allows the applicant to build 3,571 square feet. The new second floor will cantilever by 3.00 feet over the existing front building wall, 1.00 feet from the north and west building walls and 2.00 feet from the existing rear building wall. The two-story addition measure 36.00 feet by 31.00 feet and will total approximately 622 square feet. The new two-story house will be a gable end style roof and will measure 22.50 feet from grade to the mid point of the gable roof facing the north and west side property lines; 19.00 feet in height to the eave line of the roof facing the rear property line. The proposed second floor will accommodate three bedrooms, two bathrooms and closets. The new second floor will be located 4.70 feet (including the new roof overhang) from the west side property line and 14.50 feet from the north side property line. Because the

applicant is 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-8 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Seminary Hill Small Area Plan for residential land use.

V. Requested Special Exception:

Section 3-306(A)(2) Side Yard (South)

The applicant requests a special exception from the required minimum 8.00 foot side yard requirement. The height of the proposed second story measures 22.50 feet from grade to the mid point of the gable roof facing the west side property line. An 11.25 feet side yard is required. The existing building foot print is located 5.70 feet from the west side property line. The new second floor with a cantilevered 1.00 feet overhang will be located 4.70 feet to the west side property line. The applicant requests a special exception of 6.55 feet from the proposed roof overhang.

VI. Noncomplying Structure

The existing building at 125 North Early Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (West)	8.00 feet	5.70 feet	2.30 feet

VII. Staff analysis under criteria of section 11-1302

This case asks the Board of Zoning Appeals to rule on whether a proposed second 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. Staff Analysis

The subject lot is similar to other single-family lots along North Early Street that are deep lots with expansive rear yards. An inspection of the immediate neighborhood revealed homes are characterized as one to one and one-half story homes located 35.00 feet from the front property line facing North Early Street. Construction of the new second floor will have an impact on the immediate neighbor at 117 North Early Street along the west side property and the second floor could reduce light and air enjoyed by the neighboring property. However, in this case based on Sanborn maps the neighbor's house at 117 North Early Street is approximately 20.00 feet from the applicant's building. The R-8 zone requires a minimum of 8.00 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 second floor on their light and air. In fact the neighbors at 117 North Early Street support 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. From the street however, the new second floor will change the architectural character of the house as compared to the other homes on the block. However, since the existing house is located over 35 feet from the front property line, the new height of the building is minimized although the new house architecture is different than what currently exists in the neighborhood.

The proposed second floor could be constructed in compliance with the side yard requirement; however, it would result in second floor having dissimilar architecture than what now exists. From the street the new second floor would appear top heavy and unbalanced from the street

BZA CASE 2006-0007

with no to integration in design the with the existing house. Excess building mass and overbuilding on a property can have detrimental impact on neighboring homes and a neighborhood in general. In this case the applicant is attempting to preserve mature trees in the rear yard by building within the existing footprint rather than build a large rear addition. The applicant is modestly enlarging his house by adding 1,057 square feet . The zoning allows the applicant to build 3,571 square feet. On balance, the staff feels that the limited amount of building area proposed and the effort to build within the footprint rather than add a larger rear addition combined to support the application.

Staff believes that the applicant's property meets the test for a special exception, because the proximity of the building improvements to the shared west side property line will afford the adjoining property continued light and air. The proposed design when viewed from the street does not unduly exacerbate existing conditions on the lot nor impact the neighborhood's architectural character.

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 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where 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 & Environmental Services. Applicant shall provide information and a plan showing compliance with this requirement with submission of building permit (T&ES).
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- C-1 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-2 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-3 Change in point of attachment or removal of existing overhead utility services will require under grounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- F-1 A lot survey was not included in the submitted application. Fire separation distances relating to interior lot lines may affect building design and require compliance with C-1 below.

BZA CASE 2006-0007

- 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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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.

Recreation (Arborist):

- F-1 Trees are not affected on this site.

Historic Alexandria (Archaeology):

- F-1 This project does not involve significant ground disturbance. 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.

