

Docket Item #2  
BZA CASE #2006-0008

Board of Zoning Appeals  
April 13, 2006

**ADDRESS:** 707 CHETWORTH PLACE  
**ZONE:** RB, RESIDENTIAL  
**APPLICANT:** JESSICA R. BERNANKE, OWNER

**ISSUE:** Variance to reduce the required open space from 800 square feet to 599 square feet to build a rear one-story addition.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(B)	Open Space	800 sq ft	599 sq ft	201 sq ft

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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.



**I. Issue**

The applicant proposes to construct a one-story rear addition that will reduce open space that is required for the property at 707 Chetworth Place.

**II. Background**

The subject property, an interior townhouse lot, is 17.33 feet in width facing Chetworth Place, a depth of 75.00 feet and a lot area totaling 1,300 square feet. The subject lot is substandard for an RB, residential zoned lot. The minimum lot size for a townhouse dwelling is 1,980 square feet.

**III. Description**

An existing interior two-story brick townhouse dwelling is located 21.70 feet from the front property line facing Chetworth Place, shares a common party wall with the adjoining dwellings located on the east and west property lines and 32.60 feet from the north rear property line. A 15 feet wide public alley abuts the property along the rear property line. An open yard at the front and at the rear of the building totals 674 square feet of required open space.

As shown on the submitted building and floor plans, the applicant proposes to build into the open rear yard a one story addition measuring 10.00 feet by 13.00 feet by approximately 10.00 feet in height from grade to the eave line of the addition's roof. The addition will accommodate a small dining room. The current dining room in the house will be renovated for a larger kitchen.

The RB zone requires open space in the amount of 800 square feet or 40 percent of the lot. Based on the subject property's lot area of 1,300 square feet, upon completion of the proposed addition a total of 599 square feet (46 percent) of required open space will be provided on the property. Upon completion of the proposed addition, the property will comply with the allowable floor area, side and rear yard setbacks. (Refer to attached floor area computation sheet).

The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed new construction will require a Certificate of Appropriateness by the BAR.

**IV. Master Plan/Zoning**

The subject property is zoned RB, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Northeast Small Area Plan for residential land use.

**V. 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.

- (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.

**VI. Applicant's Justification for Hardship**

The applicant indicates that the subject property created in 1931 is substandard in lot area and the subsequent adoption of the RB zone regulations imposing a specific square footage requirement for open space place a disproportionate open space requirement on substandard size lot. Enforcement of the zoning ordinance will in the opinion of the owner prevent reasonable use of the property.

**IX. Staff Analysis**

Staff finds that the strict application of the zoning ordinance does result in a legal hardship for the applicant. The minimum standard lot area for a RB zoned residential lot is 1,980 square feet. The lot area of the subject property totals 1,300 square feet. Open space required for a standard RB zoned lot is 800 square feet. On a standard lot the open space requirement would be 40 percent of the lot. The open space requirement applied to the subject lot is 62 percent of the lot. The subject property cannot reasonable meet the open space requirement of 800 square feet and allow for the construction of a small addition. Upon completion of the proposed one-story addition a total of 599 square feet (46 percent) of required open space will be provided.

Based upon the above findings, staff **recommends approval** of the 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 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 applicant must provide a design to mitigate impact of storm water drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (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.
- 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 There is low potential for this project to disturb significant archaeological resources. 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.