

Docket Item #4
BZA CASE #2006-0010

Board of Zoning Appeals
April 13, 2006

ADDRESS: 326 SOUTH PITT STREET
ZONE: RM, RESIDENTIAL
APPLICANT: ANNE E. SENNEWALD

ISSUE: Request a variance to replace and enlarge an existing rear one-story sunroom addition reducing required open space from 413 square feet to 368 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(B)(1)(b)	Open Space	413 sq ft*	368 sq ft	44 sq ft

* Amount of open space existing on the lot as of June 24, 1992.

Staff **recommends denial** of the request because the applicant has not 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.

BZA CASE#2006-0010

I. Issue

The applicant proposes to replace an existing one-story sunroom addition with a larger one-story addition at the rear of the interior townhouse dwelling located at 326 South Pitt Street. The increase in building footprint will result in open space going below the RM, zone requirement.

II. Background

The subject property, an interior townhouse lot, has 13.80 feet of frontage facing South Pitt Street, a depth of 80.00 feet and a lot area totaling 1,650 square feet. The subject lot is substandard for an RM, zoned residential townhouse lot.

The lot currently contains a two-story interior brick townhouse with a rear one-story sunroom. The dwelling measures 13.80 feet wide by 42.50 feet deep and shares a common party wall along the north and south side property lines. The building is located on the front property line facing South Pitt Street and approximately 27.00 feet from the rear property line. As indicated on the submitted plat, the rear property line faces a 10.00 feet wide alley. Real estate assessment records indicate the house was built in 1890.

The property is currently a complying lot with respect to open space. The RM zone requires 35 percent open space or the amount existing on June 24, 1992 whichever is less; the subject property provides approximately 413 square feet in existing open space comprised of the backyard (27 feet by 13.80 feet) and a narrow strip of land (4 feet by 10 feet) along the south side of the building. If the proposed addition is built, the applicant proposes to provide 368 square feet of open space, resulting in a request for a variance of 44 square feet from the open space requirement.

III. Description

The proposed slightly larger one-story rear addition measures 11.00 feet by 13.10 feet by 16.83 feet in overall height and totals 144 square feet. As shown on the submitted floor plans, the new addition will accommodate a seating area and fireplace.

The property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed addition will require approval of the a permit to demolish and encapsulate and a certificate of appropriateness for the new construction.

Upon completion of the proposed addition, the property will continue to comply with the allowable floor area. (Refer to attached floor area computation sheet).

There have been no variances previously granted for the subject property.

IV. Master Plan/Zoning

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

V. Requested variance

Section 3-1106(B)(1)(b), Open Space

The RM zone requires that each property maintain at 35 percent or amount of open space existing on June 24, 1992. The property is a complying lot which currently provides 413 square feet of open space. The proposed addition will eliminate complying open space below the minimum required to 368 square feet of open space. The applicant seeks approval of a variance of 44 square feet.

VI. 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.

VII. Applicant's Justification for Hardship

The applicant indicates that the property is extremely substandard as to lot area (23.9 percent smaller than the requirement in the RM zone), 4.2 feet shorter in lot width than the zone requires and 33 percent open space instead of the 35 percent. The imposition of the RM zone requirements on such an undersized and narrow lot renders the lot unbuildable. The existing lot and dwelling predates the enactment of the current RM zone open space requirements. The property should be grandfathered since it is extremely substandard in lot area, width and open space. The zoning ordinance places a disproportionate open space requirement on a substandard lot. Enforcement of the zoning regulations will prevent reasonable use of the property.

VIII. Staff Analysis

Staff finds that the strict application of the zoning ordinance does not result in continued reasonable use of the property amounting to a confiscation of the property. The lot is currently complying as to required open space (the amount of open space that existing as of June 24, 1992). The zoning regulations recognized substandard and grandfathered lots, by allowing a property owner to count any open space less than 8 feet by 8 feet on a lot. In this instance the applicant is able to count a strip of land along the side of the house in the open space requirement. In addition, the zoning regulations permits the applicant to rebuild the existing sunroom within the same footprint without triggering any zoning requirements.

Staff agrees that the applicant's townhouse house is smaller than the RM zone requirements state. However, the applicant's lot is similar to other neighboring lots on South Pitt Street and in therefore not unique as to the specific lot characteristics cited.

There is no hardship established by the applicant. Because the dwelling was constructed prior to the establishment of the zoning ordinance, the building footprint and lot configuration existed at the time the open space requirement of the current zoning ordinance was implemented. Staff believes that the applicant's proposal will have an adverse affect on the development of the block. The elimination of additional ground level open space will also impact the immediately adjacent properties' enjoyment of light and air. Further, the interior of this portion of the block is open and visually unobstructed and staff is concerned

BZA CASE#2006-0010

that the proposed addition will continue the pattern of the depletion of limited visual and useable open space. Staff can not support the elimination of open space enjoyed by residents.

Based upon the above findings, staff recommends **denial** of the variance.

STAFF: Hal Phipps, Division Chief
 Peter Leiberg, Zoning Manager

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 stormwater 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)

Code Enforcement:

- 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 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 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 cause erosion/damage to adjacent property.

BZA CASE#2006-0010

- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-7 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-8 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 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.

Board of Architectural Review:

- F-1 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 addition will require approval of a Permit to demolish/encapsulate and a Certificate of Appropriateness for new construction by the BAR. The addition will replace an existing one-story sunroom. The proposed one story conservatory/sun room addition will be visible from Wolfe Street. As proposed, the addition will be primarily glass with a standing seam metal roof and wood trim.

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.