

Docket Item # 1  
BZA CASE #2006-0012

Board of Zoning Appeals  
MAY 11, 2006

**ADDRESS:** 3206 CIRCLE HILL ROAD  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** DAVID AND MEGHAN RAINEY

**ISSUE:** Request a special exception to build a second story above the footprint of an existing family room 7.00 feet from the south side yard property line.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	8.25 feet*	7.00 feet	1.25 feet

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\* Based on a building height of 16.50 feet to the eave line roof facing the south side property line.

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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 proposes to construct a second-story in line with a rear family room addition on their house at 3206 Circle Hill Road. Although not part of this special exception but in compliance with the R-8, residential zone requirements, the applicants propose to (1) build front and rear dormers on an attached garage located on the opposite side of the building and (2) slightly enlarge an existing front covered open stoop.

**II. Background**

The subject property, one lot of record, has 60.00 feet of frontage on Circle Hill Road, a depth of 115.00 feet and totals 6,850 square feet. The subject lot is substandard for an R-8 zone interior lot where the minimum lot size is 8,000 square feet.

A two-story single-family dwelling with an attached garage and covered front open stoop is located 26.00 feet from the front property line facing Circle Hill Road, 7.00 feet from the north side property line, 7.00 feet from the south side property line and approximately 44.00 feet from the west rear property line. A driveway parallels the north side property line where it terminates at the attached garage. Real estate assessment records indicate the house was constructed in 1941.

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

**III. Description**

The applicants propose to built above the footprint of an existing one-story family room that projects slightly into the required south side yard. The second-story addition measures 21.53 feet by 20.30 feet and will total approximately 437 square feet. The second-story addition with a hip roof measures 16.50 feet from grade to the eave of the roof facing the south side property line; 26.00 feet in overall height. The proposed second-story will accommodate a master bedroom, bathroom and dressing room. The proposed second floor will be in line with the existing building walls of the family room. The new second floor will be located within 7.00 feet from the south side property line. Because the applicants are altering one noncomplying wall located within the required south 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 North Ridge Small Area Plan for residential land use.

**V. Requested Special Exception:**

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

The applicants requests a special exception from the required minimum 8.00 foot side yard requirement. The existing south building wall is located 7.00 feet from the south side property line. The height of the proposed second-story measures 16.50 feet from grade to the eave line of the roof facing the south side property line. An 8.25 feet side yard is required. The applicants request a special exception of 1.25 feet from the proposed south building wall.

**VI. Noncomplying Structure**

The existing building at 3206 Circle Hill Road is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (South)	8.00 feet	7.00 feet	1.00 feet
Side (North)	8.00 feet	7.00 feet	1.00 feet
Front	30.00 feet	26.00 feet	4.00 feet

**VII. Staff analysis under criteria of section 11-1302**

This case asks the Board of Zoning Appeals to rule on whether a proposed second-story located within the required south 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 Conclusion**

The proposed second-story is in character with the existing house and other houses on the block. The roof of the addition is consistent with the existing roof line of the house and will not present a taller mass seen from the neighbors or from the street. In fact, the addition is sensitively designed so as not to increase inordinate mass to the most affected property on the south. Staff believes that the applicants' property meets the test for a special exception, because the proximity of the building improvements to the shared south side property line will afford the adjoining property continued light and air lot and the proposed design complements and maintains the scale of the existing house as viewed from the street. The proposed design when viewed from the street does not unduly exacerbate existing conditions on the lot.

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 variance is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 No comments.

Code Enforcement:

- C-1 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-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 No specimen trees are affected by this tree plan.

Historic Alexandria (Archaeology):

- F-1 This project involves minimal 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.