

Docket Item # 5
BZA CASE #2006-0019

Board of Zoning Appeals
May 11, 2006

ADDRESS: 418 TYLER PLACE
ZONE: R-8, RESIDENTIAL
APPLICANT: Theodore C. Osborne, Jr. and Deborah M. Osborne, Owner

ISSUE: Request a special exception to reconstruct a first floor enclosed porch and to build a second story in line with the reconstructed first floor in the required south side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	11.42 feet*	4.80 feet	6.62 feet

* Based on a building height of 22.83 feet to the gable end roof facing the south 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 applicants proposes to (1) reconstruct a side yard one-story enclosed porch and (2) build second story on the footprint of the reconstructed porch on their house at 418 Tyler Place.

II. Background

The subject property, one lot of record, has 50.00 feet of frontage on Tyler Place, a depth of 154.59 feet and totals 7,148 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 and two-half story single-family dwelling with a rear covered screen porch and a detached garage is located 34.80 feet from the front property line facing Tyler Place, 9.70 feet from the north side property line, 4.80 feet from the south side property line and approximately 37.00 feet from the west rear property line. A driveway parallels the north side property line where it terminates at the garage. Real estate assessment records indicate the house was constructed in 1938.

As indicated on the submitted plat, the existing house is built within the required south side yard and is a substandard lot. The R-8 zone requires a minimum lot size for an interior lot of 8,000 square feet.

III. Description

The applicants propose to demolish and rebuild an existing one-story enclosed screen porch on the existing foundation and build a second story above the first floor that now projects into the required south side yard. The second-story addition measures 9.00 feet by 18.00 feet and will total approximately 162 square feet. The second-story addition with a gable roof measures 22.83 feet from grade to the mid point of the gable roof facing the south side property line; 26.50 feet in overall height. The proposed second-story will accommodate a bathroom and sitting room. The new second story addition will be located within 4.80 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 4.80 feet from the south side property line. The height of the proposed second-story measures 22.83 feet from grade to the mind point of the gable end roof facing the south side property line. A 11.42 feet side yard is required. The applicants request a special exception of 6.62 feet from the rebuilt 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	4.80 feet	3.20 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 addition is in character with the existing house and other houses on the block. Staff believes that the applicants' property meets the test for a special exception, because the lot is substandard and the proposed design complements the existing house and will minimize the impact on nearby homes. The proximity of the building improvements to the shared south side property line will afford the adjoining property at 416 Tyler Place continued light and air. The neighbor at 416 Tyler Place has reviewed the applicants plans and supports the special exception request. The proposed design is modest and when viewed from the south property line 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 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.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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-8 Permission from adjacent property owners is required if access to the adjacent

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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-9 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 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.