

Docket Item # 8
BZA CASE #2006-0022

Board of Zoning Appeals
May 11, 2006

ADDRESS: 305 E. HUME AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: Mr. and Mrs. Austin Smythe, Owner

ISSUE: Request a special exception to remove an existing two-story rear addition and replace with a larger two-story rear addition 3.00 feet from the west side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (West)	7.33 feet*	3.00 feet	4.33 feet

* Based on a building height of 22.00 feet to the eave line of the hip roof 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 applicants proposes to improve their house at 305 East Hume Avenue by (1) removing an existing two-story rear addition and (2) building a new but larger two-story rear addition in line with the existing house.

II. Background

The subject property, two lots of record, has 50.00 feet of frontage on East Hume Avenue, a depth of 174.38 feet along its longest property line and totals 7,000 square feet. The subject lot exceeds the lot area for an R-2-5 zone interior lot where the minimum lot size is 5,000 square feet.

The existing two-story dwelling with a covered front porch and rear two-story addition is located 11.70 feet from the front property line facing East Hume Avenue, 3.00 feet from the west side property line, 20.00 feet from the east side property line and approximately 42.00 feet from rear property line. Real estate assessment records indicate the house was constructed in 1910.

As indicated on the submitted plat, the existing house is built within the required front and west side yard. The south side property line angles along the rear property line. The existing house complies with the required east side yard and rear yard setback.

III. Description

The applicants propose to demolish an existing two-story rear addition and in its place construct a new but larger two-story rear addition in line with the existing house. A small one-story side yard addition placed on the east side of the building will comply with the required R-2-5 side yard setback requirement. The applicants are enlarging the house from 2,108 net square feet to 2,886 net square feet (adding 778 net square feet). The zoning allows the applicants to build 3,150 square feet. The new two-story rear addition will align with the existing west building wall and extend beyond the east building wall of the existing house by 7.00 feet. The new addition will be located 3.00 feet from the west side property line and 13.00 feet from the east side property line. The new two-story rear addition and one-story side yard addition measures 25.00 feet by 31.00 feet and will total approximately 1,519 square feet. The new rear addition will be a hip style roof and will measure 22.00 feet from grade to the eave line of the roof facing the east, south and west property lines. The proposed addition will accommodate a new family room, den and kitchen on the first floor and master bedroom, bathroom and permit the enlargement of an existing bedroom on the second floor. Because the applicants are 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-2-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

V. **Requested Special Exception:**

Section 3-506(A)(2) Side Yard (West)

The applicants request a special exception from the required minimum 7.00 foot side yard requirement. The height of the proposed two-story addition measures 22.00 feet from grade to the eave line of the hip roof facing the west side property line. A 7.33 feet side yard is required. The existing building foot print is located 3.00 feet from the west side property line. The new two-story addition will align with the existing west building wall of the house and will be located 3.00 feet to the west side property line. The applicants request a special exception of 4.33 feet from the west side property line.

VI. **Noncomplying Structure**

The existing building at 305 East Hume Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard	25.00 feet	11.70 feet	13.30 feet
Side (West)	7.00 feet	3.00 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 two-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 Hume Avenue that are deep lots with expansive rear yards. An inspection of the immediate neighborhood revealed homes are characterized as two-story homes located in line with the applicants' home facing Hume Avenue. Construction of the larger rear two-story addition floor will have an impact on the immediate neighbor along the west side property and could reduce light and air enjoyed by the neighboring property. However, in this case based on Sanborn maps the neighbor's house at 303 East Hume Avenue is approximately 20.00 feet from the applicants' building. The R-2-5 zone requires a minimum of 7.00 feet to a common side property line. The location of the neighbor's house at 303 East Hume Avenue to the applicants' building affords a reasonable distance to reduce the impact of the proposed larger rear addition on their light and air. 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 the house will maintain its current architectural character and will not detract from the architectural character of the neighboring homes on the block.

Excess building mass and overbuilding on a property can have detrimental impact on neighboring homes and a neighborhood in general. In this case the applicants are building in line with the existing house with the exception of a modest one-story projection facing the east side property line. The proposed enlargement of this house is modest by adding 1,500 square feet on a relatively large lot. On balance, the staff feels the larger rear addition is in keeping with character of the neighborhood and the effort to build in line with the existing building footprint are strong arguments 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 variance is approved the following additional comments apply.

Transportation and Environmental Services:

- R-1 A PLOT PLAN may be required showing all improvements and alterations to the site which must be approved by T&ES prior to issuance of a building permit. In the event that staff determines that a plot plan is not required, the building permit plans at a minimum shall include information on the location of down spouts and/or sump pump discharge along with connections to a public storm sewer if within 100 feet of the property. If a connection is not available, other approved methods to the satisfaction of the Director of Transportation and Environmental Services may be used (refer to attached June 18, 2004, letter from the Director of Transportation and Environmental Services regarding downspouts, foundation drains and sump pumps). (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)
- R-4 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
- R-5 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- C-1 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. 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. (Sec.8-1-22)
- C-2 All utilities serving this site shall be placed underground. (Sec. 5-3-3)

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- C-3 Pay sanitary sewer tap fee prior to issuance of a building permit. (Sec. 5-6-25.1)
- C-4 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-5 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- F-1 The proposed project contains windows located 3 feet from the interior lot line. Windows shall comply 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 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.

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- C-8 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-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-10 Basement windows shall comply with USBC requirements for Emergency Escape and Rescue.

Recreation (Arborist):

- F-1 The root system of the large oak tree at the east side of the property may be detrimentally affected during the construction of this addition.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this addition construction 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.