

Docket Item #2
BZA CASE #2006-0023

Board of Zoning Appeals
June 8, 2006

ADDRESS: 1802 HARE COURT
ZONE: R-8, RESIDENTIAL
APPLICANT: NICK and MARY FAIRBANKS

ISSUE: Requesting a special exception to add a second story on an existing one-story garage located in the required rear yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(3)	Rear Yard	18.00 feet*	12.20 feet	5.80 feet

* Based on a building height of 18.00 feet to the upper eave line of the modified gable roof facing the rear 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, at 1802 Hare Court, propose to construct a second story above an existing one-story attached garage to their house. The existing garage is located at an angle to the west rear property line.

II. Background

The subject property, one lot of record, with 84.50 feet of frontage on Hare Court, a depth of 92.00 feet along its longest side property line and totals 12,214 square feet. The subject lot is not substandard for an R-8 zone interior lot where the minimum lot size is 8,000 square feet.

A two-story detached single-family dwelling is located 30.80 feet from the front property line facing Hare Court, 12.40 feet from the east side property line, 12.20 feet from the west side/rear property line. Based on the lot configuration and house placement the west side property line and rear property line merge along the same axis. A one-story garage is attached on northwest corner of the house and is located 12.20 feet from the rear property line. A driveway parallels the west side property line where it terminates at the garage. Real estate assessment records indicate the house was constructed in 1976.



As indicated on the submitted plat, the existing house complies with the R-8 zoning requirements.

III. Description

The applicants propose to construct a second-story in line with the walls of the garage footprint. The second-story measures 26.20 feet by 27.00 feet and will total approximately 728 square feet. The second-story with a modified gable roof measures 21.00 feet from grade to the midpoint of the roof/ 18.00 feet to the roof eave line facing the west rear property line. The new structure is 24.50 feet in overall height.



The proposed second-story will accommodate a walk-in closet, portion of a master bath, exercise room and sitting area. The proposed addition will be in line with the existing garage walls. The new second floor will continue to be located 30.80 feet from the front property line and 12.20 feet from the west rear property line. The taller building facing the rear property line will place the building into noncompliance as to the rear setback.

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 Seminary/Strawberry Hill Small Area Plan for residential land use.

V. Requested Special Exception:

Section 3-306(A)(3), Rear Yard (West)

The applicants request a special exception from the required minimum 8.00 foot rear yard requirement. The existing west garage building wall is located 12.20 feet from the west side/rear property line. The height of the proposed two-story measures 18.00 feet from grade to the upper eave line of the roof facing the west rear property line. An 18.00 foot rear yard is required. The applicants request a special exception of 5.80 feet from the proposed building wall.

VI. Special Exceptions 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.

VII. Staff analysis under criteria of section 11-1302

The subject lot is similar to other single-family lots along Hare Court. Construction of the new second floor will not have an impact on the immediate neighbor along the east side property because the properties are separated by mature trees. The orientation of the applicants' house to the nearest neighbor's house affords them a reasonable distance to reduce the impact of the proposed two-story addition on their light and air. In fact, the neighbors support the applicants' request. Staff believes, given the lot characteristics and building location will not negatively impact the neighboring properties.

The proposed two-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 proposed design complements the existing house and will minimize the impact on nearby homes. The proximity of the building improvements to the shared west rear property line will afford the adjoining property continued light and air. The proposed design when viewed from the west 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 objections to proposed second-story addition. (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 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- 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:

- 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 trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is minimal ground disturbance involved in this project. 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.