

Docket Item # 4
BZA CASE #2006-0026

Board of Zoning Appeals
June 8, 2006

ADDRESS: 513 HILLTOP TERRACE
ZONE: R-5, RESIDENTIAL
APPLICANT: ELAINE GORT and ALLEN SHRIVER

ISSUE: Request special exception to build a second story in line with the footprint of the existing house.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard	9.30 feet*	4.90 feet	4.40 feet

* Based on a building height of 27.90 feet to the mid point of the gable 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 propose to improve their house at 513 Hilltop Terrace by constructing a second story addition above the footprint of the existing one-story house.

II. Background

The subject property, one lot of record, has 50.00 feet of frontage on Hilltop Terrace, a depth of 100.00 feet and totals 5,000 square feet. The subject lot is not substandard for an R-5 zone interior lot where the minimum lot size is 5,000 square feet.

The existing one-story brick dwelling is located 25.50 feet from the front property line facing Hilltop Terrace, 4.90 feet from the south side property line, 9.10 feet from the north side property line and approximately 40.00 feet from rear property line. A 15.00 feet alley known as Crest Lane abuts the property along its east property line. Real estate assessment records indicate the house was constructed in 1958.



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

III. Description

The applicants propose to construct a second story above the footprint of the existing house. The applicants are enlarging their house now at 1,066 net square feet to 2,204 square feet (adding 1,138 square feet). The zoning allows the applicant to build 2,250 square feet. The new second floor will align with the existing building walls. The new second-story measures at its longest dimensions 33.80 feet by 36.10 feet. The new two-story house will be a gable end style roof and will measure 27.50 feet from grade to the mid point of the gable roof facing the south side property line and 22.00 feet in height to the eave line of the shed roof facing the north side property line. The proposed second floor will accommodate three bedrooms, two bathrooms and closets. The new second floor will be located 4.90 feet from the south side property line and 9.10 feet from the north 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-5 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Taylor Run Duke Small Area Plan for residential land use.

V. Requested Special Exception:

Section 3-406(A)(2) Side Yard (South)

The applicants request a special exception from the required minimum 7.00 foot side yard requirement. The height of the proposed second story measures 22.90 feet from grade to the mid point of the gable roof facing the south side property line. A 9.30 feet side yard is required. The existing building foot print is located 4.90 feet from the south side property line. The applicants request a special exception of 4.40 feet.

VI. Noncomplying Structure

The existing building at 513 Hilltop Terrace is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (South)	7.00 feet	4.90 feet	2.10 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 Analysis

The subject lot is similar to other single-family lots along Hilltop Terrace that are deep lots with expansive rear yards. An inspection of the immediate neighborhood revealed homes are characterized as one and two-story homes located 25.00 feet from the front property line facing Hilltop Terrace. Construction of the new second floor will have an impact on the immediate neighbor at 511 Hilltop Terrace and the second floor addition could reduce light and air enjoyed by the neighboring property. However, in this case, based on Sanborn maps the neighbor's house at 511 Hilltop Terrace a two-story dwelling is approximately 10.00 feet from the applicants' building. The R-5 zone requires a minimum of 7.00 feet to a common side property line. The location of the neighbor's house to the applicants' building affords a reasonable distance to reduce the impact of the proposed second floor on their light and air. In fact the neighbors at 511 Hilltop Terrace support the applicants' request. Staff believes, given the lot characteristics and building location between the two neighboring homes, the proposed second floor does not appear to negatively impact the neighboring home. From the street however, the new second floor will change the architectural character of the house as compared to the other homes on the block. However, since the existing house is located 25.00 feet from the front property line, the new height of the building is minimized. The proposed building height is consistent with the neighborhood.

Staff believes that the applicants' property meets the test for a special exception, because the new construction will be consistent with the two-story dwelling along the shared south side property line. 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:

- 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 undergrounding or a variance. (Sec. 5-3-3)

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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

BZA CASE 2006-0026

- 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.

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.