

Docket Item #5
BZA CASE #2006-0029

Board of Zoning Appeals
July 13, 2006

ADDRESS: 101 EAST UHLER AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: REBECCA KUDLA, BY BEVERLY BRUNETTI, ARCHITECT

ISSUE: Special exception to construct a two-story addition in the required east side yard.

| CODE SECTION | SUBJECT | CODE REQMT | APPLICANT PROPOSES | REQUESTED EXCEPTION |
|--------------|------------------|------------|--------------------|---------------------|
| 3-306(A)(2) | Side Yard (East) | 7.00 feet* | 3.80 feet | 3.20 feet |

* Based on a building height of 20.00 feet to the eave line roof facing the east side property line.

BOARD OF ZONING APPEALS ACTION OF JULY 13, 2006: On a motion to approve by Mr. Allen, seconded by Mr. Koenig, the special exception was approved by a vote of 6 to 0.

Reason: The application met the requirements for a special exception as outlined in the staff report.

Speakers:

Rebecca Kudla, owner and Beverly Burnetti, architect, made presentation.

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 construct a two-story addition in line with their existing two-story house at 101 East Uhler Avenue. The new addition will be located in the required east side yard.

II. Background

The subject property, a corner lot, is two lots of record, with 50.00 feet of frontage on East Uhler Avenue, 115.00 feet of frontage on Clyde Avenue and a depth of 50.00 feet and totals 5,750 square feet. The subject lot is substandard for an R-2-5 zone corner lot where the minimum lot size is 6,500 square feet.



The two-story detached single-family dwelling with open covered front porch is located 24.00 feet from the front property line facing East Uhler Avenue, 3.80 feet from the east side property line, 17.60 feet from the front property line facing Clyde Avenue and approximately 52.00 feet from the south side property line. A detached shed is tucked in the southeast corner of the property and is located 1.50 feet from the south side property line and 2.50 feet from the east side property line. A driveway parallels the south side property line with a curb cut on Clyde Avenue. Real estate assessment records indicate the house was constructed in 1925.

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

III. Description

The applicant proposes to (1) demolish an existing rear one-story addition and (2) in its place construct a two-story addition in line with the walls of the main footprint of the existing two-story house. The two-story addition will measure 16.50 feet by 27.00 feet and total approximately 930.60 square feet. The two-story addition with a hip roof will measure 20.00 feet from grade to the eave of the roof facing the east side property line; 28.00 feet in overall height. The proposed addition will accommodate a kitchen and family room on the first floor and bedroom, closets and bathroom on the second floor. The proposed addition will be in line

BZA CASE #2006-0029



with the existing building walls. A new two story covered open porch will be built at the rear of the new addition in compliance with the east side yard setback requirement. The new covered open porch will provide access to the first and second floors of the new addition. The new addition will be located within 3.80 feet from the east side property line and 17.60 feet from the front property line facing Clyde Avenue. Because the applicant is altering one noncomplying wall located within the required east side yard the project is eligible for a special exception. The project complies with the prevailing front setback facing Clyde

Avenue.

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 is identified in the Potomac West Small Area Plan for residential land use.

V. Requested Special Exception:

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

The applicant requests a special exception from the required minimum 7.00 foot side yard requirement. The existing east building wall is located 3.80 feet from the east side property line. The height of the proposed two-story addition measures 20.00 feet from grade to the eave line of the roof facing the east side property line. A 7.00 foot side yard is required. The applicant requests a special exception of 3.20 feet from the proposed building wall.

VI. Noncomplying Structure

The existing building at 101 East Uhler Avenue is a noncomplying structure with respect to the following:

| <u>Yard</u> | <u>Required</u> | <u>Existing</u> | <u>Noncompliance</u> |
|--------------------|-----------------|-----------------|----------------------|
| Side (East) | 7.00 feet | 3.80 feet | 3.20 feet |
| Front Yard (Uhler) | 30.00 feet | 24.00 feet | 6.00 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 east 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 two-story addition is in character with the existing house and other houses on the block. Staff believes that the applicants' property meets the standards for a special exception. The new construction will not project beyond the plane of the existing house facing the east property line and front property line facing Clyde Avenue. The proposed design complements the existing house and because the subject house is located on a corner lot it will minimize the impact on nearby homes. The proximity of the building improvements to the shared east side property line will afford the adjoining property continued light and air. The proposed design when viewed from the east side property line and is compatible with the development in the neighborhood and does not alter the essential character of the area.

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. City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. The building permit plans 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)
- C-1 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-2 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- 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

BZA CASE #2005-0029

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 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 specimen trees are affected by this application.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources will be disturbed by 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.

