

Docket Item #7
BZA CASE #2006-0034

Board of Zoning Appeals
July 13, 2006

ADDRESS: 426 N. PITT STREET
ZONE: RM, RESIDENTIAL
APPLICANT: SYNERGY DEVELOPMENT, LLC

ISSUE: Variance to construct a single family dwelling reducing the required open space to 227.50 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(A)(1)(a)	Open Space	273 sq ft	227.50 sq ft	45.50 sq ft

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

Reasons: A hardship was demonstrated due to the substandard lot size and width.

Speakers:

Randy Morse and John Morgan, owners, made the presentation.

Staff **recommends approval** of the request because the applicants have demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.

(insert sketch here)

I. Issue

The applicant proposes to construct a new three-story townhouse dwelling that will reduce the open space that is required for the property at 426 North Pitt Street.

II. Background

The subject property, one lot of record, a now vacant lot, has 13.00 feet of frontage facing North Pitt Street, is 60.00 feet in depth and contains 780 square feet of lot area. The subject property is substandard in lot size and lot width for an RM, residential zoned lot. The minimum lot size for a single family dwelling is 1,452 square feet. Section 3-1108(B) of the zoning ordinance allows for the construction of a single family dwelling on any RM zoned lot of record as of February 10, 1953 which does not comply with the lot area or lot width regulations of the RM zone.



The subject property lies just outside of the Old and Historic Alexandria District and therefore does not require review by the Board of Architectural Review.

III. Description

The existing interior lot is currently vacant. Until recently, the lot was occupied by a commercial use, a bail bonds office. The commercial building has been demolished. The property to the south is occupied by a residential townhouse and the property to the north occupied by a carry-out restaurant.

As shown on the submitted building and floor plans the applicant proposes to construct a three-story dwelling located on the side property lines and 42.00 feet in depth. No setback from the side property lines is required in the RM zone for lots less than 25.00 feet in width.

The RM zone requires open space in the amount of 35 percent of the lot or the amount that existed on June 24, 1992. Based on the subject property's lot area of 780 square feet, a total

of 273 square feet of open space is required. Upon completion of the proposed dwelling, a total of 227.50 square feet of ground level open space (29 percent) will be provided. The applicant proposes to construct a 71 square foot roof deck (5.50 feet by 13.00 feet). While the roof deck cannot be counted towards the required open space, the applicant proposes the roof deck to help mitigate the loss of ground level open space. Upon completion of the proposed dwelling, the property will comply with the allowable floor area, front, side and rear setbacks. (Refer to attached floor area computation sheet.)

There is no access to the property from an alley or interior court, therefore, in the RM zone the parking requirement of two spaces for a residential use is waived according to section 3-1107.

IV. Master Plan/Zoning

The subject property is zoned RM, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Old Town Small Area Plan for residential land use.

V. Requested variances

Section 3-1106(A)(1)(a), Open Space

The RM zone requires that each property maintain 35 percent or the amount of open space existing on June 24, 1992. The property is a substandard vacant lot. The proposed dwelling will provide 227.50 square feet of open space, 45.50 square feet less than the required 273 square feet. The applicant seeks approval of a variance of 45.50 square feet.

VII. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of

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a variance diminish or impair the value of adjoining properties or the neighborhood.

- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VIII. Applicant's Justification for Hardship

The applicant indicates that the subject property is substandard in lot size and lot width. The requirement to provide 35 percent of the lot area as open space creates a hardship and restricts their ability to construct a reasonable sized dwelling on the lot. In the opinion of the owner, enforcement of the zoning ordinance will prevent reasonable use of the property.

IX. Staff Analysis

Staff finds that the strict application of the zoning ordinance does result in a legal hardship for the applicant. The minimum standard lot area for a RM zoned residential lot is 1,452 square feet and the minimum standard lot width is 18.00 feet. The lot area of the subject property totals 780 square feet and is only 13.00 feet in width. The subject property cannot meet the open space requirement of 273 square feet (35 percent) and allow for the construction of a reasonably sized dwelling. Upon completion of the construction, a total of 227.50 square feet of ground level open space will be provided. The applicant proposes to provide an additional 71 square feet of open space in the form of a roof deck.

Based on the above findings, staff **recommends approval** of the open space variance.

STAFF: Hal Phipps, Division Chief, Planning and Zoning
Mary Christesen, Urban Planner, 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. (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)
- 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:

- 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 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-7 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-8 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 plan.

Historic Alexandria (Archaeology):

- F-1 The G.M. Hopkins map indicates that structures were present on this development property by 1877. In the late 19th through early early 20th centuries, this area was part of an African American neighborhood known as The Berg, and an African American church, labeled “Ironsides,” is shown on the lot on the 1891 Sanborn map. The property therefore has the potential to yield archaeological resources that could provide insight into African American domestic and religious activities in the late 19th century.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 The applicant must not allow metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-3 The above statements in R-1 and R-2 must appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including sheeting and shoring and grading) so that on-site contractors are aware of the requirements.

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.