

Docket Item # 3
BZA CASE #2006-0037

Board of Zoning Appeals
September 14, 2006

ADDRESS: 2508 CLAY STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: MEG AND JOHN SULLIVAN, OWNERS, BY GAVER NICHOLS, ARCHITECT

ISSUE: Special exception to (1) construct a second story addition above an existing garage and (2) build a new rear one-story addition in line with the existing garage wall 7.00 feet from the north side property line.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard (Second-Story)	10.75 ft*	7.00 ft	3.25 ft
	Side Yard (One-Story Addition)	8.00 ft	7.00 ft	1.00 ft

* Based on a building height of 16.50 feet to the eave line roof facing the north 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 (1) construct a second-story in line with an attached side loaded garage and (2) build a one-story rear addition in line with the existing garage wall facing the north side yard property line on their house at 2508 Clay Street. Although not part of this special exception but in compliance with the R-8, residential zone requirements, the applicants propose to remove an existing open rear deck and build a new open deck facing the new one-story addition.

II. Background

The subject property, one lot of record, has 60.00 feet of frontage on Clay Street, a depth of 115.00 feet and totals 6,900 square feet. The subject lot is substandard for an R-8 zone interior lot where the minimum lot size is 8,000 square feet.

A two-story single-family dwelling with an attached garage and one-story side yard addition and an open rear deck located 28.00 feet from the front property line facing Clay Street, 7.00 feet from the north side property line, 7.20 feet from the south side property line and approximately 49.00 feet from the west rear property line. A driveway parallels the north side property line where it terminates at the attached garage. Real estate assessment records indicate the house was constructed in 1946.

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

III. Description

The applicants propose to build above the footprint of an existing one car garage that projects slightly into the required north side yard. The second-story addition measures 11.00 feet by 22.50 feet and will total approximately 248 square feet. The second-story addition with a gable roof measures 21.50 feet from grade to the mid-point of the gable end facing the north side property line; 24.50 feet in overall height. The proposed second-story will accommodate a master bathroom and dressing room closet. The proposed second floor will be in line with the existing building walls of the garage. A new roof overhang above the garage entrance will be built and align with the east wall of the existing house. The new second floor will be located within 7.00 feet from the north side property line. In addition, a new one-story rear addition aligned with the existing north garage wall will be built 7.00 feet from the north side property line. The new addition measures 22.00 feet by 16.00 feet by 11.50 feet in height from grade to the eave line facing the north side property line.

Because the applicants are altering one noncomplying wall located within the required north side yard and aligning the new one-story addition with the existing garage wall 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-8 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the North Ridge Small Area Plan for residential land use.

V. Requested Special Exception:

Section 3-306(A)(2) Side Yard (North)

The applicants request a special exception from the required minimum 8.00 foot side yard requirement. The existing garage wall is located 7.00 feet from the north side property line. The height of the proposed second-story measures 21.50 feet from grade to the mid point of the gable roof facing the north side property line; the proposed one-story rear addition that aligns with the north garage wall measures 11.50 feet in height to the eave line of the pitched roof. An side yard setback of 10.75 feet and 8.00 feet are required. The applicants request a special exception of 3.25 feet for the second-story addition and 1.00 feet for the one-story rear addition facing the north side property line respectively.

VI. Noncomplying Structure

The existing building at 2508 Clay Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (South)	8.00 feet	7.00 feet	1.00 feet
Side (North)	8.00 feet	7.00 feet	1.00 feet

VII. Staff analysis under criteria of section 11-1302

This case asks the Board of Zoning Appeals to rule on whether a proposed second-story and one-story rear addition located within the required north 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.

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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 second-story above the existing side loaded garage is in character with the existing house and other houses in the Jefferson Park neighborhood. The roof of the second story addition and rear addition are consistent with the existing roof line of the house and will not present a taller mass seen from the neighbors or from the street. In fact, the addition is sensitively designed so as not to increase inordinate mass to the most affected property on the south. Staff believes that the applicants' property meets the test for a special exception, because the proximity of the building improvements to the shared north side property line will afford the adjoining property continued light and air. The proposed design complements and maintains the scale of the existing house as viewed from the street. The proposed design when viewed from the street does not unduly exacerbate existing conditions on the lot.

Staff **recommends approval** of the request for special exception.

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 Memorandum to Industry dated June 18, 2004. Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (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 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 A soils report must be submitted with the building permit application.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

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- 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.
- 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 trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is require.

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.