

Docket Item #4  
BZA CASE #2006-0038

Board of Zoning Appeals  
September 14, 2006

**ADDRESS:** 1306 PRINCESS STREET  
**ZONE:** RB, RESIDENTIAL  
**APPLICANT:** CHRISTOPHER AND DIANE PAULITZ, OWNERS

**ISSUE:** Variance to construct a two story rear addition reducing the required open space.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(B)	Open Space	800 sq ft	599 sq ft	201 sq ft

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Staff **recommends approval** of the request because the applicant has 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. Finally, the request requires Board of Architectural Review approval.

**Insert site map**

**I. Issue**

The applicants propose to build a second-story above an existing one-story rear addition that was built larger than what was approved by the Board of Architectural Review and thus reduced required open space for the property at 1306 Princess Street.

**II. Background**

The subject property, an interior townhouse lot, is 15.00 feet in width facing Princess Street, a depth of 70.00 feet and a lot area totaling 1,050 square feet. The subject lot is substandard for an RB, residential zoned lot. The minimum lot size for a townhouse dwelling is 1,980 square feet.

**III. Description**

An existing interior two-story townhouse dwelling with a one-story rear addition is located 10.20 feet from the front property line facing Princess Street shares a common party wall with the adjoining dwellings located on the east and west property lines and 25.90 feet from the south rear property line. A 3.17 feet wide public alley abuts the property along the rear property line. An open yard at the front and at the rear of the building totals 577 square feet of required open space.

As shown on the submitted building and floor plans, the applicants propose to build a second floor on the existing footprint of the rear addition that measures 8.00 feet by 9.00 feet. The rear addition with a second floor is approximately 23.50 feet in height from grade to the midpoint of the gable roof facing the rear yard. The addition accommodates a kitchen area on the first floor and either a new bathroom or small living space on the second floor.

The RB zone requires open space in the amount of 800 square feet or 40 percent of the lot. Based on the subject property's lot that totals 1,050 square feet 420 square feet or 40 percent of open space is required. Currently there is 577 square feet of open space provided. Upon completion of the proposed second story addition no change in existing open space will occur. The new addition will continue to comply with the allowable floor area, side and rear yard setbacks. (Refer to attached floor area computation sheet).

The subject property is located in the Parker-Grey Historic District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed new construction will require a Certificate of Appropriateness by the BAR.

**IV. Master Plan/Zoning**

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

**V. Staff analysis under criteria of section 11-1103**

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To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-103 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 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.

**VI. Applicant's Justification for Hardship**

The applicants indicate they purchased the property with the larger rear addition built without BAR approval. The subject property created in 1955 is substandard in lot area and the subsequent adoption of the RB zone regulations imposing a specific square footage requirement for open space place a disproportionate open space requirement on substandard size lot. Enforcement of the zoning ordinance will in the opinion of the owner 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

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for the applicants. The minimum standard lot area for a RB zoned residential lot is 1,980 square feet. The lot area of the subject property totals 1,050 square feet. Open space required for a standard RB zoned lot is 800 square feet. On a standard lot the open space requirement would be 40 percent of the lot. The open space requirement applied to the subject lot is 76 percent of the lot. The subject property cannot reasonably meet the open space requirement of 800 square feet and allow for the existing small rear addition to remain. Upon completion of the proposed second-story within the footprint of the existing addition a total of 577 square feet (54 percent) of required open space will be provided.

Based upon the above findings, staff **recommends approval** of the variance.

**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 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.

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- 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).
- 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 The G.M. Hopkins Insurance Atlas indicates that a house was present on this lot by 1877. The property is located within a late 19<sup>th</sup> -century African American neighborhood. Thus, there is potential for the lot to yield archaeological resources that could provide insight into residential life, perhaps relating to African American, in 19<sup>th</sup> -century Alexandria.
- 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 above statement 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 requirement.

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.