

Docket Item #4
BZA CASE #2006-0041

Board of Zoning Appeals
October 12, 2006

ADDRESS: 1019 ORONOCO STREET
ZONE: RB, RESIDENTIAL
APPLICANT: NATHANIEL CHAPPELLE, OWNER

ISSUE: Variance to construct a new single family dwelling in the required side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(A)(2)(a)	Side Yard (East)	8.00 feet	2.42 feet	5.58 feet
3-706(A)(2)(a)	Side Yard (West)	8.00 feet	1.00 feet	7.00 feet

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 demolish an existing house and build a new two-story single family dwelling in the required side yards at the property located at 1019 Oronoco Street. The applicant plans to preserve the front facade of the existing dwelling.

II. Background

The subject property, one lot of record, has 20.00 feet of frontage facing Oronoco Street, is 120.00 feet in depth and contains 2,400 square feet of lot area. The subject property's lot width and frontage are less than the lot width and frontage for a single family dwelling in the RB zone which is 50.00 feet.

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 occupied by a two-story single family dwelling located on the front property line, 2.42 feet from the east side property line and 1.00 feet from the west side property line. The applicant is proposing to demolish the existing single family dwelling, but preserve the existing front facade.

As shown on the submitted building and floor plans the applicant is proposing to rebuild and extend the existing dwelling 2.42 feet from the east side property line, 1.00 feet from the west side property line. The proposed dwelling is 16.58 wide and a total 50.00 feet in depth. The RB zone requires a minimum setback of 8.00 feet from both side property lines, based on a building height of 22.25 feet from grade. Upon completion of the proposed dwelling, the property will comply with the allowable floor area, open space, front and rear setbacks.

IV. Master Plan/Zoning

The subject property is zoned RB 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 3-706 (A)(2)(a), Required Side Yards

The RB zone requires each single family dwelling to maintain a minimum 8.00 feet from each side property line. The subject lot is substandard in lot frontage by 30.00 feet. The applicant is proposing 1.00 feet setback from the west side property line and 2.42 feet from the east side property line. The applicant seeks a variance of 7.00 feet from the west side property line and 5.58 feet from the east side property line.

VI. Noncomplying structure

The existing building at 1019 Oronoco Street is a noncomplying structure with respect to the following:

Yard	Required	Existing	Noncompliance
Side (East)	8.00 ft	2.42 ft	5.58 ft
Side (West)	8.00 ft	1.00 ft	7.00 ft
Lot width	50.00 ft	20.00 ft	30.00 ft
Lot frontage	50.00 ft	20.00 ft	30.00 ft

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

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- (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 subject lot is substandard in lot frontage and lot width. The requirement to provide two 8.00 feet setbacks would only allow for a 4.00 wide house and restricts one's ability to build a reasonable sized house.

IX. Staff Analysis

Staff finds that the strict application of the zoning ordinance does result in a legal hardship. Two 8.00 feet side yard setbacks prevents the applicant from building a reasonably sized dwelling. The proposed house will be consistent with the character of other residential homes on this block.

Based on the above findings, staff **recommends approval** of the side yard 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 A PLOT PLAN is 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 **will not approve** the building permit until the **Plot Plan has been released**). (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 Any 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 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 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 trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 This lot is located in a 19th through early 20th -century African American neighborhood. The property therefore has the potential to yield archaeological resources, perhaps relating to African Americans, that could provide insight into residential life in nineteenth-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. above must appear in the General Notes of the site plan 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.