

Docket Item # 5
BZA CASE #2006-0042

Board of Zoning Appeals
October 12, 2006

ADDRESS: 630 N. COLUMBUS STREET
ZONE: RB, RESIDENTIAL
APPLICANT: JAMES A. MERKLINGER, OWNER

ISSUE: Variance to construct a new single family dwelling reducing the required open space to 605 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(B)	Open Space	800 sq ft	605 sq ft	195 sq ft

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.

I. Issue

The applicant proposes to construct a single-family dwelling that will reduce required open space for the property at 630 North Columbus Street. The new dwelling will abut at the end of a row of three townhouses.

II. Background

The subject property, a vacant lot at the end of a row of townhouses, has 17.00 feet in width facing North Columbus Street, a depth of 87.00 feet and a lot area totaling 1,479 square feet. The subject lot of record is substandard for an RB, residential zoned lot. The minimum lot size for a townhouse dwelling is 1,980 square feet. The zoning ordinance states a lot of record as of December 28, 1951, may be developed with a single-family dwelling on the lot size shown on the recorded plat.

III. Description

An two-story brick townhouse style dwelling with a covered open front porch, will be located 8.00 feet from the front property line facing North Columbus Street, located on the north property line (abut the existing south wall of 632 North Columbus Street) and south property lines and approximately 34.00 feet from the west rear property line. A 16.00 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 605 square feet of required open space. A compact parking space is proposed and will parallel the north side property line.

As shown on the submitted building plans, the proposed two-story dwelling measures 17.00 feet 38.58 feet by 32.00 feet in height from grade to the top of the flat roof..

On September 16, 2006, the City Council granted the applicant a special use permit (SUP#2006-0063) to a reduce required off-street parking for the new house. The applicant will provide one off-street compact parking space instead of two standard parking spaces.



Vacant lot at 630 North Columbus Street

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 area of 1,479 square feet, upon completion of the proposed house a total of 605 square feet (40.9 percent) of required open space will be provided on the property. Upon completion of the proposed dwelling, the property will comply with the allowable floor area, side and rear yard setbacks.

The subject property is located in the Parker-Gray 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

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 applicant indicates that the subject property platted prior to 1951, 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. The applicant plans to meet the open space requirement based on the reduced lot size.

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 RB zoned residential lot is 1,980 square feet. The lot area of the subject property totals 1,479 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 40 percent of the lot. The subject property cannot reasonable meet the open space requirement of 800 square feet and allow for the construction of a comparable size dwelling as the abutting row houses. Upon completion of the proposed dwelling a total of 605 square feet (40 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 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 release of Plot Plan in the amount of \$6,885.00. (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 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 will be affected by this plan.

Historic Alexandria (Archaeology):

- F-1 Tax records indicate that a house may have been present in 1810 on the block bounded by Columbus, Pendleton, Alfred, and Wythe Streets, but the exact location is not known. However, the tax records from 1830 and 1850 do not show a structure on the square. During the Civil War, the property was the site of a large, two-story structure containing mess rooms, kitchens, and bunk rooms utilized by the Union Army as part of the Washington Street Corral. After the war, the block was subdivided, and houses were constructed along Columbus Street during the late 19th and early 20th centuries, but it does not appear that a structure was built on this property. The lot therefore has the potential to yield archaeological resources that could provide insight into residential life in 19th-century Alexandria and into military activities during the Civil War.
- F-2 Reevaluation of this project has resulted in a reduction of the required preservation measures. See below.
- C-1 Contact Alexandria Archaeology (703-838-4399) two weeks prior to any ground disturbing activity (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of The Zoning Ordinance) on this property. City archaeologists will provide on-site inspections to record significant finds. The building permit will not be released until the inspection schedule has been determined.
- C-2 Call Alexandria Archaeology (703/838-4399) immediately if any buried historic structural remains (wall foundations, cisterns, wells, privies, 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 to record the finds.
- C-3 The requirements stated in C-1 and C2 above, must be included in the General Notes of all site plans, as well as on all site plan sheets that include ground disturbing actions. Additional statements may be required to be included on the Final Site Plans by Alexandria Archaeology.

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.