

Docket Item #3
BZA CASE #2006-0045

Board of Zoning Appeals
November 9, 2006

ADDRESS: 3109 CIRCLE HILL ROAD
ZONE: R-8, RESIDENTIAL
APPLICANT: NICOLE MAYER AND JEFF SEIBEL, OWNERS

ISSUE: Special exception to construct a second story addition in the required west side yard.

| CODE SECTION | SUBJECT | CODE REQMT | APPLICANT PROPOSES | REQUESTED EXCEPTION |
|--------------|----------------|-------------|--------------------|---------------------|
| 3-306(A)(2) | West Side Yard | 10.29 feet* | 5.30 feet | 4.99 feet |

* Based on building height of 20.58 feet to the roof eave line facing the west property line.

BOARD OF ZONING APPEALS ACTIONS OF NOVEMBER 9, 2006: On a motion to approve Mr. Curry, seconded by Mr. Allen, the special exception was approved by a vote of 6 to 0.

Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Jeff Siebel, owner, made the presentation.

Keith Mulroney, neighbor at 3107 Circle Hill Road, spoke in support with the condition that the windows start 6.00 feet above floor level (“option B”).

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.

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(insert sketch here)

I. Issue

The applicants propose to improve their cape code style one and one-half story house at 3109 Circle Hill Road by adding a new second story and several additions as follows: (1) construct a second story addition above an existing one-story side yard addition, (2) build a two-story rear addition, (3) add a second story above the existing dwelling, and (4) build a covered front portico. Only the second-story addition in the required west side yard requires a special exception. The new front covered portico complies with the prevailing front setback facing Circle Hill Road.

II. Background

The subject property is one lot of record with approximately 49.91 feet of frontage facing Circle Hill Road and a depth of 145.60 feet along the west side property line and 162.50 feet along the east side property line. The property contains 8,855 square feet of lot area. The subject lot is complying as to the minimum lot area for an R-8 zoned single-family lot where the minimum lot size is 8,000 square feet.

The lot is developed with a one and one-half story single family dwelling located 24.20 feet from the front property line facing Circle Hill Road, 5.30 feet from the west side property line, 11.20 feet from the east side property line and approximately 77.00 feet from the rear property line. As indicated on the submitted plat, the existing house is located within the required west side yard. The existing house complies with the prevailing setback along Circle Hill Road and the required rear and east side yards. According to real estate records the house was constructed in 1936.

III. Description

The applicants propose the following improvements to their home. Some of the improvements comply with the R-8 zone regulations and do not require a variance or special exception.

- (a) Construct a second-story addition in line with the walls of the existing one story side yard addition located 5.30 from the west side property line. The second-story measures 28.00 feet by 10.00 feet and will total approximately 280 square feet. The proposed addition measures 20.58 feet in height from grade to the eave line facing the west side property line. The new second-story addition will accommodate two bedrooms. The new second-story will continue to be located 5.30 feet from the west side property line. The proposed second-story addition qualifies for a special exception because it is altering one noncomplying wall that is now located in the required the west side yard.
- (b) Construct a two-story rear addition and raise the roof to accommodate a second-story on the existing dwelling. The proposed rear addition will measure approximately 26.00 feet by 13.00 feet. The addition and newly raised roof measure 20.58 feet from grade to the new roof eave. Based on the proposed height the additions and newly raised roof

comply with the required setback of 10.29 feet from the east side property line and west side property line.

- (c) Build a covered front portico and open landing 17.20 feet from the front property line. The proposed open portico complies with the prevailing setback along Circle Hill Road. The covered portion of the portico measures 6.75 feet by 5.00 feet, the uncovered landing measures 10.00 feet by 5.00 feet.

The applicants have stated to staff that they have discussed their plans with the North Ridge Civic Association who do not have any comments or objections to the proposed improvements. The applicants also state in their application that the adjoining property owners have reviewed the proposed plans.

- IV. **Master Plan/Zoning:** The subject property is zoned R-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge Small Area Plan for residential land use.

- V. **Requested Special Exception:**
3-306(A)(2) Side Yard (West)

The applicants request a special exception from the required 10.29 foot side yard requirement, based on a building height of 20.58 feet. At its closest point the existing west building wall is 5.30 feet from the property line. The proposed second story addition will continue to be located 5.30 feet from the west side property line. The applicants request a special exception of 4.99 feet.

- VI. **Noncomplying structure**

The existing building at 3109 Circle Hill Road is a noncomplying structure with respect to the following:

| <u>Yard</u> | <u>Required</u> | <u>Existing</u> | <u>Noncompliance</u> |
|-------------|-----------------|-----------------|----------------------|
| Side (West) | 8.00 feet | 5.30 feet | 2.70 feet |

- VII. **Special Exceptions 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.

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.

VII. Staff Conclusion

The subject lot is similar in lot size and width other lots on the block and complies with the minimum lot requirements for the R-8 zone. An inspection of the immediate neighborhood revealed several homes with similar second story additions in line with the original building walls. Many of the homes appear to be built closer to the side property lines than the current zoning rules permit. All of the houses predate the 1951 zoning requirements. Staff believes the proposed second story side yard addition will be in character with the neighborhood.

The west side addition is not likely to negatively impact the property to the west. The adjacent property's driveway abuts the west side property line and the neighbor's house appears to be adequately set back from their side property line. The applicants indicate they have spoken with the most affected property, the neighbors to the west, and they support the application, with changes to the location of windows on the west elevation.

The proposed improvements are in character with the existing house and other houses on the block. Staff believes that the applicants' property meets the standards for a special exception.

Staff **recommends approval** of the requested 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)
- F-1 In the construction of the building additions results in total land disturbing activities in excess of 2500 square feet, the applicant shall provide a PLOT PLAN showing all improvements and alterations to the site which must be approved by T&ES prior to issuance of any building permits. (T&ES)
- F-2 If the construction of the building additions results in total land disturbing activities in excess of 2500 square feet, the applicant is required to comply with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control. (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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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-7 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 this project to disturb significant archaeological resources. No archaeological action is required.

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.