

Docket Item #4
BZA CASE #2006-0047

Board of Zoning Appeals
November 9, 2006

ADDRESS: 431 NORTH COLUMBUS STREET
ZONE: RM, RESIDENTIAL
APPLICANT: ALICIA SPENCE, OWNER

ISSUE: Variance to construct a rear addition reducing the required open space from 525 square feet to 452 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(B)	Open Space	525 sq. ft.	452 sq. ft.	73 sq. ft.

BOARD OF ZONING APPEALS ACTIONS OF NOVEMBER 9, 2006: On a motion to approve by Mr. Hubbard, seconded by Ms. Lewis, the variance was approved by a vote of 6 to 0.

Reason: The proposed addition is modest in size and the lot is narrow.

Speakers:

Alicia Spence, owner, made the presentation.

Murney Keleher, Historic Alexandria Foundation, made the presentation.

Ed Braswell, neighbor at 426 North Columbus Street, spoke in support.

Staff **recommends denial** of the request because the applicant has not demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The applicant must reach an agreement with the neighbor at 433 North Columbus Street to remove if necessary to do so the large catalpa tree in the backyard before a building permit is released. 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 remove an existing one-story rear addition and replace it with a larger one-story addition at the rear of their house at 431 North Columbus Street. The larger addition will reduce ground level required open space on the property to less than the required 35 percent.

II. Background

The subject property, an interior townhouse lot, is 15.00 feet wide facing North Columbus Street, 100.00 feet deep, with a lot area totaling 1,500 square feet. The minimum lot size in the RM zone is 1,452 square feet.

II. Description

An existing two-story frame townhouse, on an interior lot, is located 2.00 feet from the front property line facing North Columbus Street, shares common party walls with the homes along the north and south property lines and approximately 29.00 feet from the east rear property line. An open rear yard provides approximately 510 square feet of required open space.

As shown on the submitted building plans, the applicant proposes to remove an existing one-story addition and replace it with a larger one-story addition that will result in a reduction in required open space. A comparison of the existing and new one-story addition is as follows:

<u>Addition</u>	<u>Width</u>	<u>Length</u>	<u>Height</u>	<u>Area</u>
Existing	10.00 ft	11.00 ft	10.00 ft	110 sq ft
New	12.00 ft	14.58 ft	10.00 ft	175 sq ft
Change	+2.00 ft	+3.58 ft	no change	+65 sq ft

The new addition will be extend nearly 4.00 feet beyond the rear wall of the existing addition is now located into the back yard and 2.00 feet towards the south side property line. A new open deck will be built above the new addition. The new addition will accommodate an in-law suite, reconfigured space for utilities and bathroom on the first floor and an open roof deck.

The RM zone requires open and usable space in the amount of 35 percent of the lot area. Based on the subject property’s lot size of 1,500 square feet, the open space requirement is 525 square feet. Currently there is 452 square feet of complying open space (open space a minimum of 8.00 feet and 8.00 feet). There is open area along the south side of the building which is less than 8.00 feet in width to be counted as required open space.

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This open space totals approximately 90 square feet bringing total amount of open space on the subject lot to 542 square feet (complying and substandard open space).

The City Arborist has indicated that the huge catalpa tree located in the rear yard (although it will not qualify as a specimen tree) appears to be shared by the owner at 431 North Columbus Street and 433 North Columbus Street despite the presence of a fence that goes around the tree. The Arborist recommends that the applicant reach an agreement with the neighbor to remove the tree (if necessary) and that approval of the variance does not confer permission to remove the tree.

The subject property is located in Old & Historic Alexandria and is under the purview of the Board of Architectural Review (BAR).

There have been no variances or special exceptions previously granted for the subject property.

III. **Master Plan/Zoning**

The subject property is zoned RM 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 3-1106 (B)

The applicant requests a variance from the required 35 percent open space requirement of the RM zone or 525 square feet. The property currently provided a total of 452 square feet of complying open space. The applicant requests a 73 square foot variance to build an expanded one story addition to the rear of the current house.

VI. **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.

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- (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.

The property owner has explored all options to build without the need of a variance.

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VII. Applicant's Justification for Hardship

The applicant requests the modest increase in living space in a room that is small to accommodate her aging mother who is unable to climb stairs. If the applicant were able to count the substandard open space along the south side of the building (which is 3 feet by 30 feet totaling 90 square feet) the subject property would comply with the intent of the 35 percent open space requirement by 17 square feet (required 525 square feet versus 542 square feet provided open space which includes complying and substandard size open space).

VIII. Staff Analysis

Strict application of the zoning ordinance does not result in a legal hardship for the applicant. At 1,500 square feet, the property is well over the minimum lot size of 1,452 square feet for the RM zone. The property is currently provides 510 square feet of complying open space. Upon completion of the larger addition complying open space will be reduced 32 square feet to 452 square feet. to If built as proposed, the subject property will have 561 square feet of open space. The applicant has the alternative to build in the open area along the side of the existing rear addition and main house (an open area measuring 27 feet in length by 3.00 feet to 5.00 feet in width) to provide an additional 103 square feet of living area without the need of an open space variance.

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Based upon the above findings, staff **recommends denial** 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:

- F-1 Elevation drawing shows two-windows within 3-feet of an interior lot line. Plans do not show these windows as proposed openings. Comply with C-1 below. Don't if windows are existing or proposed.
- 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 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 A large catalpa tree in the backyard will be destroyed as a result of the plan. The tree would not qualify as a specimen tree because its limited growing area and species value. The tree appears to be the shared property of 431 and 433 North Columbus Street.

Historic Alexandria (Archaeology):

- F-1 This property was located within a free African American neighborhood in the early 19th century. It is possible that the lot was on or near the original site of

Meade Chapel, an African American church. The Sanborn insurance maps show that a residence was constructed on the lot by 1891. The property therefore has the potential to yield archaeological resources that could provide insight into religious and domestic activities in 19th-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.