

Docket Item #5  
BZA CASE #2006-0048

Board of Zoning Appeals  
November 9, 2006

**ADDRESS:** 1013 ORONOCO STREET  
**ZONE:** RB, RESIDENTIAL  
**APPLICANT:** TOM KERR

**ISSUE:** Variance to construct a rear addition built into the required east and west side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(A)(2)	Side Yard (West)	8.00 ft.	0.00 ft.	8.00 ft.
3-706(A)(2)	Side Yard Setback (East)	8.00 ft.	6.00 ft.	2.00 ft.

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

Reason: The Board agreed with the hardship outlined in the staff report.

Speakers:

Tom Kerr, owner, made the presentation

Staff **recommends approval** of the variance with the following condition that an updated easement is executed with the adjoining property owner(s) at 1015 Oronoco to allow the proposed addition to be built within the easement area.

If the Board decides to grant a variance, it should also 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 applicants propose to build a two-story addition with a basement at the rear of their house at 1013 Oronoco Street, reducing the required west side yard to 0.00 feet and the required east side yard to 6.00 feet.

**II. Background**

The subject property, a single family detached lot, is 20.00 feet wide facing Oronoco Street and 120.00 feet deep and totals 2,400 square feet of lot area. The minimum lot size in the RB zone is 1,980 square feet. The subject property is substandard with respect to lot width. The RB zone requires single family detached lots to have a minimum lot frontage of 50.00 feet.

The subject property contains a one foot wide maintenance easement running the length of the western property line. The applicant has a verbal agreement with the owners of 1015 Oronoco Street to build on this easement, however a new easement must be executed to allow this new construction.

An existing two-story single family detached house is located 8.00 feet from the front property line facing Oronoco Street, abuts the house to the west at 1015 Oronoco Street, is 8.00 feet from the east property line and is 76.00 feet from the rear property line. The subject property currently provides approximately 1,900 square feet of open space. The house is currently considered legally non-complying with respect to the side yard setback requirement on the west side. Historic Sanborn Fire Insurance mapping indicates that the two story, gable roofed frame house at 1013 Oronoco Street was present by at least 1902. The area was not mapped before 1902 and the house may pre-date that date by some years.

The existing house should be considered a contributing resource in the Parker Gray Historic District. The western end of the north side of the 1000 block of Oronoco Street is currently being studied for possible inclusion in a National Register nomination for the Parker Gray Historic District (The boundaries of the locally designated district will be reevaluated as part of the nomination process). The Parker Gray Historic district includes the entire south side and half of the north side of the 1100 block of Oronoco Street up through 1007 Oronoco Street. There does not appear to be any logical reason for excluding the western end of the block face as it contains resources that are comparable in date and quality to the other buildings on the 1000 block and elsewhere in the district.

The existing house should be considered a contributing resource in the Parker Gray Historic District. The Parker Gray District is characterized by modest dwellings from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Generally two story and frame construction these buildings housed working- and middle-class families, largely African American, and formed the basis of the community once known as "Uptown." The house at 1013 Oronoco Street is an example of the more modest of house types of the period and is unusual for its gable, rather than flat, roof.

**III. Description**

As shown on the submitted plans, the applicant proposes to build a two-story addition with basement, measuring 42.50 feet by 13.75 feet and totals 536.75 square feet. The addition will accommodate a new kitchen and living room on the ground floor and a new master bedroom suite on the second floor.

The RB zone requires two side yard setbacks of 8.00 feet each for the addition that is proposed. The current design will abut the adjoining property at 1015 Oronoco to the west and provide 6.00 feet of setback from the property line to the east.

On October 10, 2002, the Board of Zoning Appeals granted side yard variances to the applicant to build a two-story rear addition. (Refer to attached BZA Case#2002-0082). Due to circumstances, the applicant was unable to commence construction of the addition within the one year time limit for the variance. The variances have expired. The applicant is resubmitting a similar proposal as shown to the BZA in October 2002.

**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 Braddock Road Metro Station Small Area Plan for residential land use.

**V. Requested variances**

Section 3-706 (A) (2)

The applicant requests a variance from the 8.00 feet side yard setbacks required on the east and west sides of the property. The existing setbacks are 8.00 feet on the east and 0.00 feet on the west. The applicant requests a variance of 2.00 feet facing the east side property line and a variance of 8.00 feet facing the west side property line.

**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.
- (10) The property owner has explored all options to build without the need of a variance.

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

The applicant claims that the requirement to provide two 8.00 foot setbacks on a lot that is 20.00 feet wide negates his ability to put an addition on his house to provide amenities considered standard in today's real estate market.

**VIII. Staff Analysis**

Staff agrees a legal hardship exists for the applicant. To apply two side yard setbacks totaling 16.00 feet on a 20.00 feet wide lot is unreasonable leaving only 4.00 feet of buildable width on the lot for an addition.

Based upon the above finding, 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 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 be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 A soils report must be submitted with the building permit application.
- 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 There is a 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.