

Docket Item #1
BZA CASE #2006-0051

Board of Zoning Appeals
January 11, 2007

ADDRESS: 3819 ELBERT AVENUE
ZONE: RB, RESIDENTIAL
APPLICANT: DAVID AND JILL FORBES, OWNERS

ISSUE: Special exception to construct a second story addition and sunroom in required side yard setback.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-706(2)(a)	Side Yard (North)	8.00 ft*	4.70 ft	3.30 ft

Based upon a building height of 20.00 feet to the eave line of the roof

BOARD OF ZONING APPEALS ACTIONS OF JANUARY 11, 2007: On a motion to approve by Mr. Curry, seconded by Mr. Hubbard, the special exception was approved by a vote of 7 to 0 with the following condition:

That Lot 13 & Lot 14 be consolidated prior to the issuance of a building permit.

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

Speakers:

David Forbes, owner, made the presentation.

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 and include a plat of consolidation submitted prior to approval of building permit. 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.

(insert sketch here)

I. Issue

The applicant proposes to build an enclosed sun porch and enlarge the second floor rear bedroom in line with existing structure.

II. Background

The subject property, a rectangular lot, is two lots of record with 50.00 feet of frontage facing Elbert Avenue, and a depth of 110.00 feet. The property contains 5,500 square feet of lot area. The subject lot is complying as to the minimum lot area for an RB zoned single-family lot where the minimum lot size is 1,980 square feet.



Figure 1

The applicant has submitted a memorandum to the City Real Estate Office to request a consolidation of the two lots, Lot 13 and Lot 14 Sunnyside. With consolidation of these two lots, the proposed addition will qualify for a special exception rather than a variance as would be required if the addition were to be constructed independent of the adjoining lot (Lot 14).

The lot is developed with single family dwelling located 22.00 feet from the front property line facing Elbert Avenue. The topography of the property is flat. A two story detached house with a one story rear porch is located 4.70 feet from the north side property line, 4.50 feet from south side property line (common property line between Lot 13 and Lot 14 as shown on submitted plat), and 49.50 feet from east rear property line. As indicated on the submitted plat, the existing house is located within the required north side yard. According to real estate records the house was constructed in 1937.

III. Description

The applicant proposes the following improvements to their home. Some of the improvements comply with the RB zone regulations and do not require a variance or special exception.

- (a) Construct a one-story addition in line with the wall of the existing two story building located 4.70 feet from the north side property line. The one story addition measures 15.00 feet by 15.00 feet and will total approximately 225 square feet. The proposed addition measures 12.00 feet in height from grade to the midpoint facing the north side of the property.

The new one-story will continue to be located 4.70 feet from the north side property line. The proposed one story addition qualifies for a special exception because it is altering one non-complying wall that is now located in the required north side yard.

(b) Expand the existing second floor rear room that measures 8 feet by 15 feet and will total approximately 120 square feet. The addition and newly raised roof measure approximately 20.00 feet from grade to the new roof eave and will be consistent with the height of the existing structure. Based on the proposed height of the addition and newly raised roof, a special exception is allowed because it is altering one non-complying wall that is located in the required north side yard.

The applicant has submitted letters from the property owners adjacent to the property line subject to the exception requested, as well as a letter from the neighbor across the street. Both letters express support for the expansion. Each property owner has stated that the applicant has shown the proposed architecture plans for their review.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

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

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 is identified in the Potomac West Small Area Plan.

V. Requested Special Exception:
3-706(2)(a) Side Yard (North)

The applicants request a special exception from the required 8.00 feet side yard requirements, based on a building height of 20.00 feet. At the closest point, the existing north building wall is 4.70 feet from the property line. The proposed one story addition and second floor extension will continue to be 4.70 feet from the north side property line. The applicants request a special exception of 3.30 feet.

VI. Noncomplying Structure

The existing building at 3819 Elbert Avenue is a noncomplying structure with respect to the following.

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncomplying</u>
Side (North)	8.00 feet	4.70 feet	3.30 feet
Side (South)	8.00 feet	4.50 feet	3.50 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.

VIII. Conclusion

The subject lot is similar in lot size and widths with other single-family homes and complies with the minimum lot requirements for the RB zone. An inspection of the neighborhood revealed single family homes to the immediate south and west of the subject property. To the immediate north of the subject property, there are newly constructed semi-detached homes. This street is also the site of the Sunny Side Phase I and Phase II townhomes. Staff believes that the proposed rear addition will be in character with the size of other homes in the neighborhood while preserving the characteristics that remain of this 1937 building.

Staff believes that a north side addition is not likely to negatively impact the adjacent property. The adjacent who will most be affected has a property line that shows a nine feet side yard and is adequately set back from the property line. In addition, the applicants have a letter from the most neighbor to the north, and they support the application.

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The proposed improvements are in character with the existing house. With the consolidation of Lot 13 and Lot 14, 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:

F-1 No comments.

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.