

Docket Item #2  
BZA CASE #2006-0052

Board of Zoning Appeals  
January 11, 2007

**ADDRESS:** 1115 LYNN COURT  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** ALLAIRE WILLIAMS, OWNER

**ISSUE:** Variance to construct a rear addition in the required rear yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(3)	Rear Yard	15.00 feet *	12.90 feet	2.10 feet

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\*Based on a one to one setback ratio for a building height of 15.00 feet to the mid point of the gable end of the rear addition.

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**BOARD OF ZONING APPEALS ACTIONS OF JANUARY 11, 2007:** On a motion to approve by Mr. Koenig, seconded by Mr. Lantzy, the variance was approved by a vote of 5 to 2. Mr. Curry and Mr. Hubbard dissented.

Reason to approve: The application met the requirements for a hardship due to the configuration of the lot and placement of the house on the lot.

Dissenting Reason: A hardship was not demonstrated.

Speakers:

Allaire Williams, owner and Robert Beach, architect, made the presentation.

Staff **recommends denial** of the request because the applicants have not 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.

(insert sketch here)

**I. Issue**

The applicant proposes the following improvements to her home at 1115 Lynn Court by 1) constructing a one-story rear addition, 2) raising the roof of the one-story portion of the existing home, 3) construct a covered front portico and 4) construct an open rear deck. Only the one-story rear addition requires a variance.

**II. Background**

The subject property is one lot of record with 100.82 feet of frontage facing Lynn Court and a depth of 79.35 feet. The subject property contains a total of 8,000 square feet of lot area which is the minimum lot area for an R-8 zone single-family lot.

The lot is developed with a one and one-half story single-family dwelling with open rear decks (Figure 1) located 25.10 feet from the front property line, 13.00 feet from the west side property line, 34.00 feet from the east side property line and 25.50 feet from the rear property line. As shown on the submitted plat, the existing home is built within the required 30.00 feet front yard prescribed in the R-8 zone, however the existing house complies with the prevailing front setback along Lynn Court and complies with the required east and west side yards and the required rear yard. According to real estate assessments the house was constructed in 1940.

**III. Description**

The applicant proposes the following improvements to her home. Some of the improvements comply with the R-8 zoning and do not require a special exception or variance.

- (a) Construct a one-story rear addition in place of existing tiered decks. The proposed addition measures 23.40 feet by 12.60 feet and totals 294.84 square feet. Based on a building height of approximately 11.00 feet to the roof eaves the proposed addition complies with the east and west side yard setbacks. Based on a building height of 15.00 feet to the midpoint of the gable facing the rear yard, a setback of 15.00 feet from the rear property line is required. The applicant is proposing a setback of 12.90 feet from the rear property line. A rear yard variance of 2.10 feet is requested by the applicant.
- (b) Raise the roof of the existing one-story portion of the home and create a gabled roof facing the front yard. The raised portion of the roof will comply with the required side yards and will the new gabled end will be located in line with the front façade of the existing dwelling 25.10 feet from the front property line. The existing front building wall complies with the prevailing setback and the new roofline will continue to comply with the established prevailing setback along Lynn Court.
- (c) Construct a covered front entry 4.00 feet by 5.80 feet (with overhangs not to exceed 4.60 feet by 7.00 feet). The proposed front entry is to be located 20.50 feet from the

front property line. Section 7-202(A)(2) of the zoning ordinance allows for a covered front projection into a required yard.

- (d) Construct a 9.66 feet by 9.08 open deck 16.00 feet from the rear property line. The proposed deck measures approximately 3.50 feet from grade and will comply with all side and rear setbacks.

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

**IV. Master Plan/Zoning**

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

**V. Requested variances**

- a. 3-306(A)(3) Rear Yard
- b. The applicant requests a variance from the 15.00 feet (based on a building height of 15.00 feet to the midpoint of the gable facing the rear yard) required rear yard. The applicant proposes to construct the addition 12.90 feet from the rear property line. The applicant requests a rear yard variance of 2.10 feet.

**VI. Staff analysis under criteria of section 11-1103**

- a. 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.
  - (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 states that the limited depth of the property, the placement of the existing house on the lot and the moderate slope of the lot towards the rear lot line severely restricts where a rear addition can be placed.

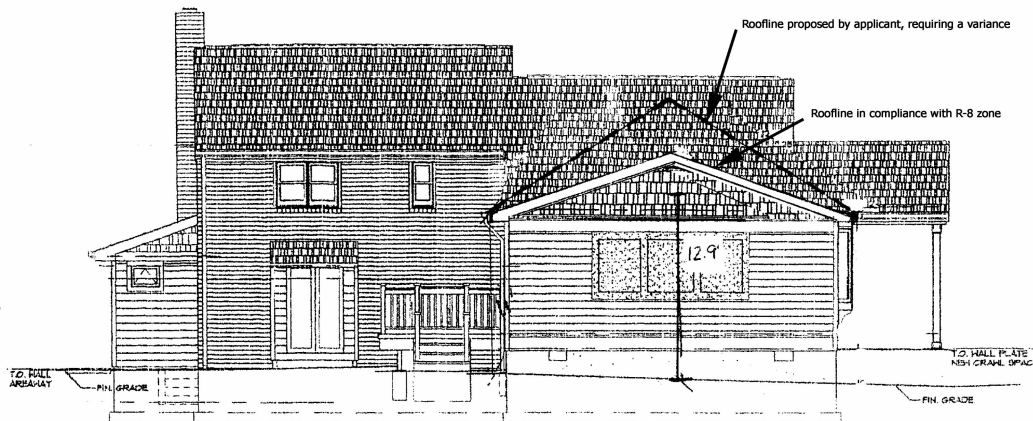
**VIII. Staff Analysis**

There is no legal hardship nor confiscation of the use of the property. The subject lot is a complying lot as to lot area and width and the building currently complies with all applicable yard requirements in the R-8 zone. The property and location of the house on the property are similar to other lots on Lynn Court.

The applicant can construct the same size addition in the proposed location by altering the proposed roofline in one of two ways or reduce the length of the addition facing the rear property line.

Design Alternatives

- 1) The applicant can lower the ridge line and change the pitch of the roof, thereby lowering the midpoint of the gable not to exceed 12.90 feet (Figures 1 and 2).



REAR ELEVATION

**Figure 1- Lower roofline in compliance with the R-8 zone.**

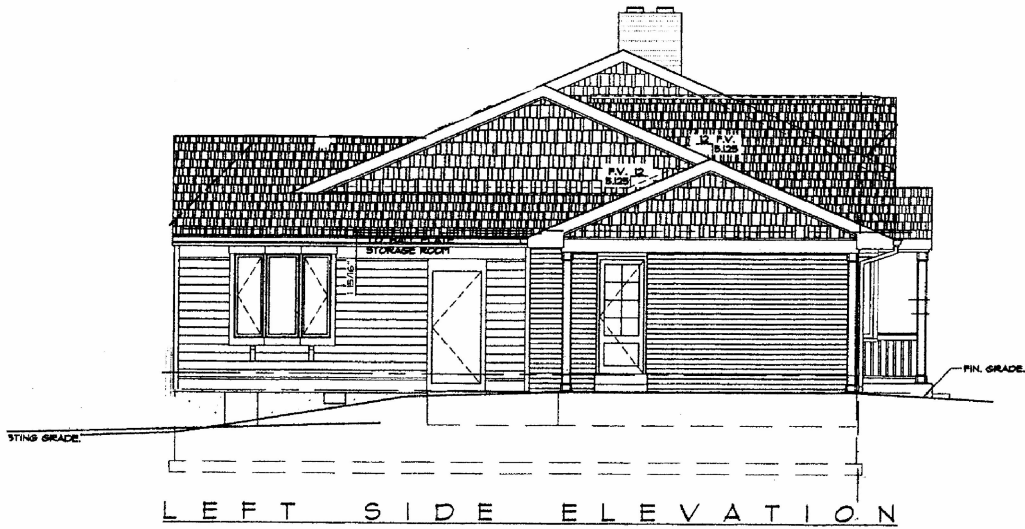


Figure 2- Side elevation showing lowered gable in compliance with R-8 zone.

2) The applicant could construct the addition with a hip roof (Figure 3). The building height is measured to the eave line and therefore the proposed addition would comply with all required yards.

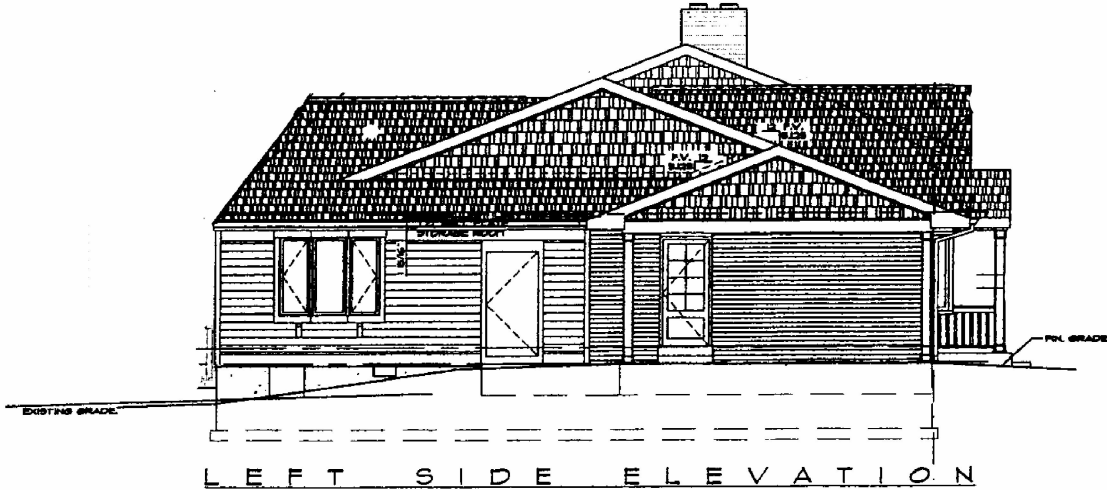


Figure 3- Side elevation showing hip roof in compliance with R-8 zone.

Alternatively, the applicant could propose to construct a similar addition, in compliance with the R-8 zone required yards, in one of the two large side yards.

Because there is no legal hardship on the lot and there are reasonable design alternatives to allow the construction of the addition in compliance with the R-8 zone requirements, staff finds no basis in which to support the variance.

Therefore, staff **recommends denial** of the request for 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:

F-1 No comments.

Code Enforcement:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-4 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-5 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.