

Docket Item #1  
BZA CASE #2007-0003

Board of Zoning Appeals  
April 12, 2007

**ADDRESS:** 3113 RUSSELL ROAD  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** GREGORY AND LAURA MARTIN, OWNERS

**ISSUE:** Special exception to raise the roof on the main building and construct an addition located the required north side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard (North) Raised portion of the roof	10.75 feet*	8.40 feet	2.35 feet
3-306(A)(2)	Side Yard (North) Two-Story Addition	9.75 feet**	8.40 feet	1.35 feet

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\* Based on a building height of 21.50 feet to the midpoint of the gable facing the north side property line.

\*\*Based on a building height of 19.50 feet to the midpoint of the gable facing the north side property line.

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**BOARD OF ZONING APPEALS ACTIONS OF APRIL 12, 2007:** On a motion to approve by Mr. Allen, seconded by Mr. Hubbard, 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:

Gregory Martin, owner and Joe Hodges, designer, 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. 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 applicants propose to renovate and construct the following additions at their house located at 3113 Russell Road, 1) raise the roof of the existing house, 2) build a two-story addition facing the north side property line, and 3) build a two-story addition and one-story addition facing the rear and south side addition. Only items 1 and 2 above for the raised portion of the roof and for the two-story addition facing the north side property line require approval by the Board.

Originally, the applicants filed for variance approval to construct additions in the required north and south side property lines. At the March 8, 2007 BZA hearing, the board voiced concern that the project did not meet the criteria for hardship to grant a variance. The applicants deferred their request to explore alternative design solutions without requiring a variance. The applicants have since revised their proposal to adjust the south side building additions to comply with the R-8 zone side yard setback requirement. The addition on the north side of the building will be constructed in line with the existing home's north noncomplying building wall. Because the applicants are altering one noncomplying wall they are eligible to seek special exception approval for the new addition located in the required north side yard.

**II. Background**

The subject lot is one lot of record with 51.50 feet of frontage facing Russell Road, a depth of 148.31 feet and totals 7,638 square feet of lot area. A two story brick and frame single-family dwelling is located 59.80 feet from the front property line facing Russell Road, 8.40 feet from the north side property line with a rear sunroom 5.90 feet from the north side property line, 12.70 feet from the south side property line and 52.00 feet from the rear property line.



**Figure 1- View of north side yard from Russell Road**

**III. Description**

The applicants propose the following alterations to their home. Some of the construction complies with R-8 zoning and does not require a variance or special exception.

- (a) Raise the ridgeline of the existing roof from 24.50 feet to 26.50 feet in height from grade. Based on the building height of 21.50 feet to the midpoint of the gable, a side yard setback of 10.75 feet is required facing the north side property line. The raised portion of the roof will be in line with the existing house which is currently setback 8.40 feet from the north side property line and 12.70 feet from the south property line. The applicants will be increasing the height of an already noncomplying wall and must request a special exception of 2.35 feet for this portion of the house to raise the roof line in the required north side yard.
- b) Build a second story addition facing the north side yard measuring 11.50 feet by 6.00 feet, totaling 69.00 square feet and measuring 19.50 feet to the midpoint of the gable from average finished grade. The proposed second story is inline with the existing house located 8.40 feet from the north side property line. Based on the building height of 19.50 feet, a setback of 9.75 feet is required, thus a special exception of 1.35 feet is requested.
- c) Build a two story rear addition that extends 16.38 feet towards the rear property line and wraps around the southeast corner of the existing house into the south side yard. Upon completion, the rear portion of the two-story addition will be located 13.00 feet from the north side property line, 37.50 feet from the rear and 19.40 feet from the south side property line and totals 303 square feet. The addition is 19.25 feet in height to the roof eaves from average finished grade and complies with the required setbacks.

The L-shaped portion of this two-story addition measures 6.80 feet by 14.92, totaling 107.90 square feet. The first story measures 9.50 feet in height to the eaves and will be located 8.10 feet from the south side property line. The second story measures 18.75 feet in height to the eaves and will be set in 9.70 feet from the side property line. Based on the building heights facing the south side property line this portion of the two-story addition complies with the required south side yard setbacks.

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

**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 identified in the Potomac West Small Area Plan for residential land use.

**V. Requested Special Exception**

Section 3-306(A)(2), Side Yard (North):

The R-8 zone requires a side yard setback of 8.00 feet or one-half the building height whichever is greater. Based on a building height of 21.50 feet to the midpoint of the gable roof, a setback of 10.75 feet from the north side property line is required. The applicants are proposing 8.40 feet, therefore a special exception of 2.35 feet is requested.

The second story addition building height is 19.50 feet to the midpoint of the gable roof facing the north side property line. A setback of 9.75 feet from the north property line is required. The applicants propose 8.40 feet, therefore a special exception of 1.35 feet is requested.

**VI. Noncomplying structure**

The existing building at 3113 Russell Road is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (Sunroom) (North)	8.00 feet	5.90 feet	2.10 feet
Side (Main house) (North)	9.50 feet	8.40 feet	1.10 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. Staff Conclusion**

The subject lot is similar in lot size and width to other lots on the block and complies with the minimum R-8 zone requirements. An inspection of the immediate neighborhood revealed several homes with rear additions in line with the original building walls. Many of the homes appear to be built closer to the side property lines than the zoning rules currently permit. Staff believes that the design of the proposed addition will not alter the character of the neighborhood.

The addition is not likely to negatively impact the property to the north. The applicants indicate they have spoken with the most affected property, the neighbors to the north, they support the application and have submitted a letter of support.

The proposed improvements are in character with the existing house and the neighborhood. 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.

**(Carried over from BZA2006-00056).**

Transportation and Environmental Services:

R-1 In order for T&ES to make a determination whether or not a Plot Plan is required for the proposed improvements, the applicant shall provide the information described below on a copy of the house location plat:

In order to determine the area of disturbance in the absence of a grading plan, the disturbed area will be determined by adding 10' to the perimeter of the building (or addition) footprint and calculating the area within the increased perimeter. In addition a 10' wide access path from the edge of the disturbed area to the street or driveway must be included in the disturbed area calculation. Dumpsters, soil stockpiles and material storage areas must all be within the limits of disturbance as well.

The annotated house location plat must meet the following criteria:

- No reduced, enlarged or faxed copies will be accepted.
- The footprint area of the proposed improvements must be drawn to scale.
- The additional 10' perimeter, construction access and other areas as described above must be shown to scale.
- The overall dimensions of the proposed improvements must be shown.
- The actual square footage of the disturbed area must be shown.

The applicant shall be required to provide this information to the Department of Transportation and Environmental Services, Construction and Inspection Division and/or Engineering Division prior to any applications for building permits. (T&ES)

R-2 The building permit plans shall comply with requirements of City Code Section 8-1-22 regarding the location of downspouts, foundation drains and sump pumps. 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-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
- R-6 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- C-1 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.8-1-22)
- C-2 All utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-3 Pay sanitary sewer tap fee prior to issuance of a building permit. (Sec. 5-6-25.1)
- C-4 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-5 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 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).



- C-4 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.
- C-5 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-6 A soils report must be submitted with the building permit application.
- C-7 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 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-9 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-10 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):

- F1 The proposed plan does not affect any specimen trees. Root zones of trees located on adjacent properties will be disrupted as a result of this plan, and in obtaining access for construction of the addition to the rear of the property.
- R2 Care should be taken to protect the root zones of trees located on adjacent properties, and avoid unnecessary disruption of these areas.

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.