

Docket Item #2
BZA CASE #2007-0001

Board of Zoning Appeals
April 12, 2007

ADDRESS: 27 EAST OAK STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: SEAN WAYNE, OWNERS

ISSUE: Special exception to construct a one story addition in the required east side yard

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(2)	Side Yard (East)	7.00ft*	5.79ft	1.21ft.

BOARD OF ZONING APPEALS ACTIONS OF MARCH 8, 2007: On a motion to defer by Mr. Allen, seconded by Ms. Lewis, the special exception was deferred by a vote of 6 to 0.

Reason: The applicant was not present.

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

Sean Wayne, 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. 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 picture here)

I. Issue

The applicant proposes to build a one-story rear sloped addition to expand a rear bedroom and build a one-story addition with flat roof to accommodate a new dining area and screened porch at 27 East Oak Street. Only a portion of the bedroom addition will require relief under the Special Exception.



II. Background

The subject property is one lot of record with 40.00 feet of frontage facing East Oak Street, a depth of 100.00 feet, and a lot area of 4,000 square feet. The subject lot is substandard as to the minimum lot area in the R-2-5 zone where the minimum lot size is 5,000 square feet.

The lot is developed with a single-family dwelling located 22.40 feet from the front property line facing East Oak Street. As indicated on the submitted plat, the existing house is located within the required east and west side yard. The lot adjacent to the subject property on the east property line contains a one and a half story detached house that sits 1.60 feet from the property line. In 2006, a special exception was approved for that property to construct a one-story rear addition. On the west side of the subject property, a one and ½ story single-family house sits approximately 7.50 feet from the property line. According to real estate records, the subject house was constructed in 1939.

III. Description

The applicant proposes the following improvements to their home

- (a) To construct a one-story rear addition located 5.79 feet from the east side property line. The one story addition measures 4.00 feet by 10.17 and will total 40.68 square feet. The proposed addition measure 12.92 feet in height from grade to the highest point on sloped roof facing the east side of the property. The addition will accommodate a slightly larger bedroom.

- (b) To construct a one story rear addition in compliance with the R-2-5 zone regulations facing the west side property line. The new addition measures 19.00 feet by 17.10 and totals 324.9 square feet and will accommodate a larger dining room.

The applicant has submitted letters of support from the most affected east side property owner as well as the owner on the west side of the property. Each property owner has signed a letter acknowledging 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 R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge/Rosemont Small Area Plan for residential land use.

- V. **Requested Special Exception:**
3-506(A)(2) Side Yard (East)

The applicant requests a special exception from the required 7.00 feet side yard requirements. At the closest point, the existing east building wall to the top of the roof is 24.00 feet from grade and is 5.10 feet from the property line. The proposed one story addition is 12.92 feet from grade and is 5.79 feet from the east side property line. The applicant requests a special exception of 1.21 feet facing the east property line.

- VI. **Noncomplying structure**

The existing building at 27 East Oak Street is a non-complying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Non-complying</u>
Front	25.00 feet	22.40 feet	2.60 feet
Side (East)	7.00 feet	5.10 feet	1.90 feet
Side (West)	7.00 feet	5.00 feet	2.00 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

Although it does not comply with the minimum lot requirements for the R-2-5 zone, the subject lot is similar in lot size and widths with other single-family homes along East Oak Street. An inspection of the neighborhood revealed single-family and semi-detached homes along the block. The proposed additions will use up nearly all of the building envelope (Floor Area Ratio) allowed for the property

Staff believes that an east side addition is unlikely to negatively reduce light or air from the adjacent property. The adjacent property that will be most affected obtained a variance to construct a one-story addition 1.40 feet from the current subject property. In addition, the applicant has made considerable efforts to ensure that the addition on the west side of the property conforms to the current zoning regulations. Staff believes that the proposed rear addition will be in character with the size of other homes in the neighborhood while preserving the character of this 1939 building.

Staff **recommends approval** of a 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:

R-1 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 disturbed area must be shown.

The applicant shall be required to provide the information below to the Department of Transportation and Environmental Services, Construction and Inspection Division and/or Engineering Division at the time of application for building permit(s). (T&ES)

F-1 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

F-2 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)

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- F-3 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 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)
- C-2 Prior to any activity disturbing 2500 square feet or more, an erosion and sediment control plan must be approved by T&ES and the applicant is required to comply with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control. (T&ES)

Code Enforcement:

- F-1 The minimum headroom in all parts of the stairway shall not be less than 6-feet 8-inches (2036 mm) measured vertically from the sloped plane adjoining the tread nosing of from the floor surface of the landing or platform.
- C-1 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-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-4 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-5 A soils report must be submitted with the building permit application.
- C-6 New construction 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 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.