

Docket Item #1  
BZA CASE #2007-0004

Board of Zoning Appeals  
May 10, 2007

**ADDRESS:** 2719 HEMLOCK AVENUE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** PAMELA RITCHIE, OWNER

**ISSUE:** Variance to construct a rear dormer addition in the required North and South side yard setbacks.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306 (A)(2)	Side Yard (North and South)	10.75 ft	6.60ft	4.15ft

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\*Based upon a building height of 21.50 feet to the eave line of the roof of the rear addition facing the north and south side property line.

\*Proposed rear dormer addition sits approximately 1.60 feet from existing building wall

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**BOARD OF ZONING APPEALS ACTION OF MAY 10, 2007:** On a motion to approve by Mr. Allen, seconded by Mr. Hubbard, the variance was approved by a vote of 5 to 1. Mr. Curry dissented.

Reason to approve: The application met the criteria for hardship based on the substandard nature of the lot and the structural deficiencies (substandard room sizes) noted by the applicant.

Dissenting reason: Reasonable alternatives not requiring a variance are available to the applicants.

Speakers:

Rob Brynes, 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.

**I. Issue**

The applicant proposes to construct a rear dormer to within 6.60 feet of the north and south side property lines for the property at 2719 Hemlock Avenue.



**II. Background**

The subject property is one lot of record with a lot width of 40.00 feet facing Hemlock Avenue, a depth of 100.00 feet, and a lot area of 4,000 square feet. The subject property is developed with a one and one-half-story brick detached dwelling with a basement built in 1952. The lot is substandard as to the minimum lot area in the R-8 zone where the minimum lot size is 8,000 square feet.

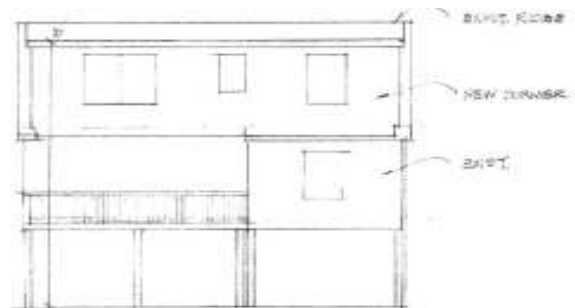
As indicated on the submitted plat, the existing house is located within the required north and south side yard as well as the required front yard. The single-family dwelling is located 24.00 feet from the front property line facing Hemlock Avenue and has two side yards of 5.00 feet.

**III. Description**

The applicant proposes to construct a second story rear dormer which measures 28.20 feet in length and 13.25 in width for a total of 373.65 square feet. The new dormer roof will match the existing gable roof style. The rear dormer addition will be inset on the existing roof approximately 1.60 feet from the existing house walls. The height of the new rear dormer from grade to the midpoint of the gable facing the side yards is 21.50 feet. Based on this height a setback of 10.75 feet is required. The applicant proposes to construct the rear dormer 6.60 feet from both the north and south property line. Therefore, two variances of 4.15 feet are requested.



**Existing Rear Building Façade**



**EAST (REAR) ELEVATION**  
SCALE 1/8" = 1'-0"

**Proposed Rear Dormer**

There have been no 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. The property is not located in either Historic District.

**V. Requested variances**

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

The R-8 zone requires two side yard setbacks of 8.00 feet or one half the building height, whichever is greater. The proposed second-story rear dormer addition will be located 6.60 feet from the north and side property lines. The applicant requests a 4.15 feet variance from both side yard setback requirements.

**VI. Noncomplying structure**

The existing building at 2719 Hemlock Avenue is a noncomplying structure with respect to the following:

<b><u>Yard Provision</u></b>	<b><u>Required</u></b>	<b><u>Provide</u></b>	<b><u>Noncompliance</u></b>
<b>Lot Area</b>	8,000 sq ft	4,000 sq ft	4,000 sq ft
<b>Lot Width</b>	65.00 ft	40.00 ft	25.00 ft
<b>Front Yard</b>	30.00 ft	24.00 ft	6.00 ft
<b>Side Yard</b>			
(North)	8.00 ft	5.00 ft	3.00 ft
(South)	8.00 ft	5.00 ft	3.00 ft

**VII. 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.

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- (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.

### **VIII. Applicant's Justification for Hardship**

The applicant's hardship is based on the subject lot's existing features. The subject property does not meet several minimum requirements of: lot area, lot width at building line, front yard requirement and side yard requirements. In addition to being a substandard lot, the topography in the rear of the lot is steep and exaggerates the building height from average finish grade

### **IX. Staff Analysis**

The subject lot is one of nineteen single-family homes constructed in the 1950s. The subject property sits on the east side of Hemlock Avenue where the rear yards have gradually sloping topography. The lots behind the subject property on Hickory Street sit at a lower grade than those on Hemlock Avenue. Aerials reveal that the majority of existing lots along this street have houses located in one or both required side yards.

An inspection revealed that a number of homes have rear additions that extend into the required side yard. The adjoining properties are comparable in lot area, topography, building height and side yard setbacks; therefore, the subject lot is not unique.

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A smaller dormer can be built on the building without the need for a variance. Staff proposes two alternatives, both of which address the applicant's needs without requiring a variance.

### Alternative 1

The applicant could reconfigure the project that would comply with the setbacks. If the dormer were moved in approximately 7.50 from the existing walls of the structure, the applicant would not need a variance nor would it affect the floor area ratio.

### Alternative 2

The applicant could also add a complying rear dormer but add additional square footage to the first and basement levels through the Special Exception process. The existing first floor addition could be expanded to include a portion of the existing deck and the existing area underneath the deck could be enclosed. All of this could be accomplished without exceeding the floor area ratio.

The picture below captures both alternatives that neighbors have used to expand their homes without going through the variance process.



Note: Two house from the left with additions that would not require a variance.

Given the reasonable alternatives above, staff finds there is no basis to grant a variance.

Staff **recommends denial** of the variances.

**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 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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-5 New construction 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.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 There is low potential for archaeological resources. There does not appear to be ground disturbance associated with this project. 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.