

Docket Item # 2  
BZA CASE #2007-0005

Board of Zoning Appeals  
May 10, 2007

**ADDRESS:** 932 SECOND STREET  
**ZONE:** RB, RESIDENTIAL  
**APPLICANT:** JOHN AND JAN SCALIA, OWNERS

**ISSUE:** Variance to replace an existing screen porch with a larger two story addition in the required front yard setback.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(A)(1)	Front Yard (Colonial Avenue)	20.00 feet	13.75 feet	6.25 feet

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**BOARD OF ZONING APPEALS ACTION OF MAY 10, 2007:** On a motion to deny by Mr. Allen, seconded by Mr. Goodale, the variance was denied by a vote of 6 to 0.

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

Speakers:

John Scalia, owner, made the presentation.

Mariella Posey, 915 Second Street, spoke in opposition.

Sylvia Sibrover, 915 Second Street, spoke in opposition.

Rebecca Eichler, 1102 Colonial Avenue, spoke in opposition.

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.

**BZA CASE #2007-0005**

(insert sketch here)

**I. Issue**

The applicant proposes to construct two-story addition and open trellis at their house located at 932 Second Street in the required front yard facing Colonial Avenue. Only the two-story addition requires a variance.

**II. Background**

The subject property is a 5,195 square foot corner lot which has 47.25 feet of frontage on Second Street and 77.23 feet of frontage on Colonial Avenue. The lot contains one two-story end unit townhouse. The existing townhouse is located 25.00 feet from both front property lines, 39.00 feet from the south side property line and is built on the east side property line.



**III. Description**

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

1. Construct a two-story addition 12.00 feet by 27.00 feet, totaling 324 square feet on each floor and measuring 21.00 feet in height to the eaves. The proposed two-story addition will be located 38.00 feet from the south side property line, 29.00 feet from the front property line facing Second Street and 13.75 feet from the front property line facing Colonial Avenue. There is no required rear yard in a corner lot. Therefore, a variance of 6.25 feet is requested.

2. Construct a one-story open trellis 5.00 feet by 25.00 feet, totaling 125 square feet, to be located 11.33 feet from the front property line facing Colonial Avenue and 33.00 feet from the south side property line. By design the trellis is open on all sides and has no roof. Section 7-202(A)(5) of the zoning ordinance permits arbors and trellises in all yards, therefore no variance is required for the proposed trellis.

There have been no variances 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 identified in the Northeast Small Area Plan for residential land use. The property is not located in either Historic District.

**V. Requested variances**

Section 3-706(A)(1), Front Yard, (facing Colonial Avenue)

The RB zone requires setback of 20.00 feet from both front property lines. Based on the proposed location of the addition, 13.75 feet from the front property line facing Colonial Avenue, the two-story addition requires a variance of 6.25 feet.

**VI. 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.
- (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.

**BZA CASE #2007-0005**

(10) The property owner has explored all options to build without the need of a variance.

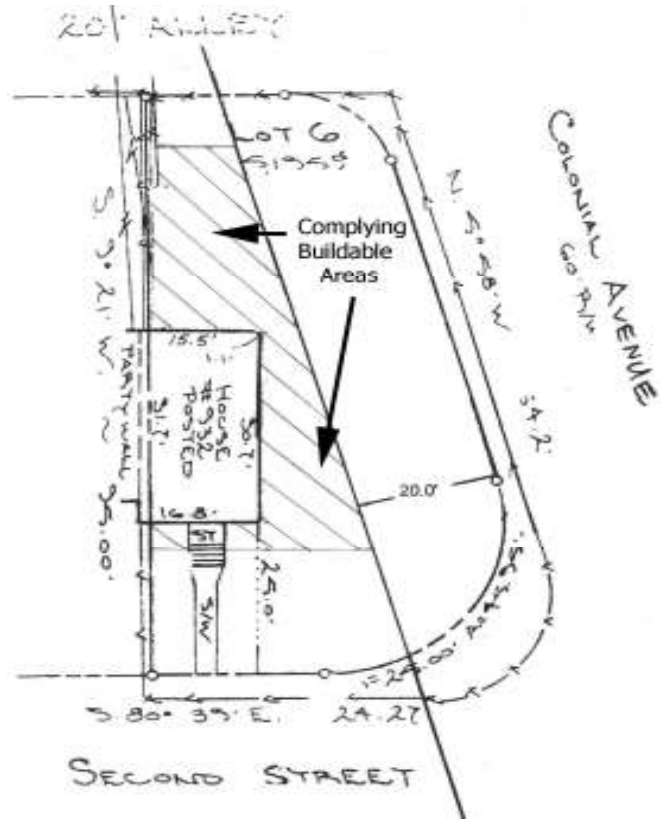
**VII. Applicant’s Justification for Hardship**

The application states that the lot is irregularly shaped and that strict enforcement of the zoning ordinance will force the applicant to construct a long and narrow addition towards the south side property line that is undesirable to the applicant and would negatively affect the adjacent property owners by reducing their light and air.

**VIII. Staff Analysis**

There is no legal hardship nor confiscation of the use of the property. The lot contains 5,195 square feet of lot area, over two times larger than the required 1,980 square feet of lot area required per townhouse dwelling in the RB zone. The configuration of the house on the lot is not unique. While the width of the lot decreases towards the rear property line, the shape of the lot is somewhat similar to other corner lots in the neighborhood and there is ample buildable areas on the lot which comply with the RB zone regulations (Figure 1).

Staff believes a reasonable addition can be built on the lot without the need for a variance. In fact, the owner describes, in his application, four alternatives that do not require a variance. However, the owner states that these options do not meet their needs or are undesirable to them.



**Figure 1-Buildable area in compliance with RB zoning.**

Staff proposes two reasonable alternatives, both of which the owner addresses in his application, to give the applicant the desired additional space without requiring a variance.

**Alternative 1**

The applicant could reconfigure the addition (*Figure 2*) so that it steps in as the lot angles in towards the east. Some square footage would be lost, but as shown, the applicant could construct a reasonable sized addition, 416 square feet, 208 square feet on each floor. The applicant could also wrap the addition around the rear of the house to gain additional square footage.

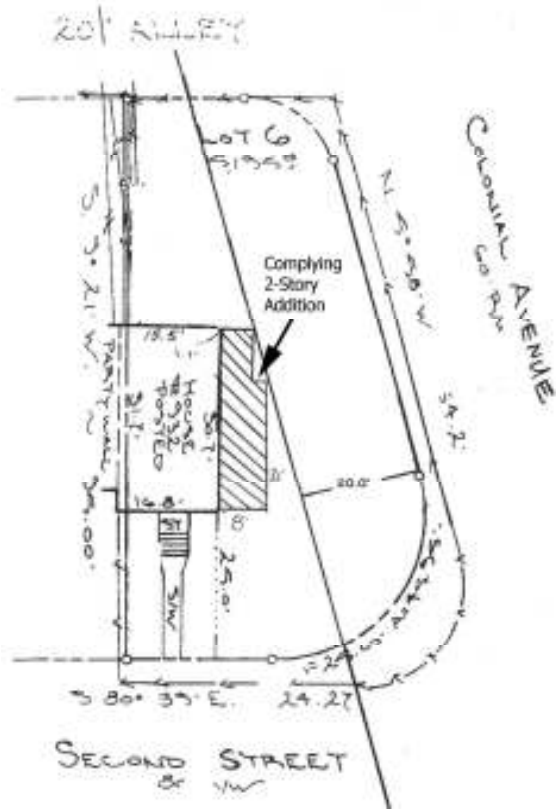


Figure 2- Complying alternative 1

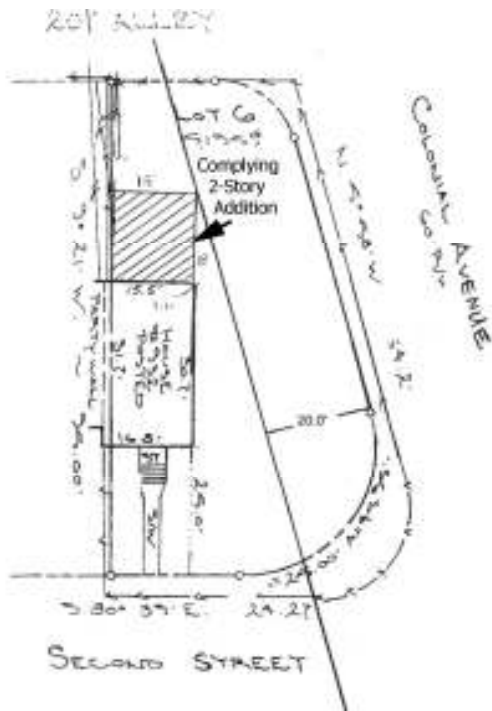


Figure 3- Complying alternative 2

**Alternative 2**

The applicant could construct a two-story addition measuring 15.00 feet by 18.00 feet, totaling 540 square feet off the rear of the townhouse in compliance with RB zoning, as shown in (*Figure 3*).

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

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

- R1 At the time of application for a building permit the applicant shall provide, to the Department of Transportation and Environmental Services, 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.
- R2 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)
- R3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R5 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)
- R6 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)

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 A soils report must be submitted with the building permit application.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure 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.
- C-8 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 specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by 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.