

Docket Item #3  
BZA CASE #2007-0011

Board of Zoning Appeals  
June 14, 2007

**ADDRESS:** 23 WEST MYRTLE STREET  
**ZONE:** R-5, RESIDENTIAL  
**APPLICANT:** DAVID AND JENNIFER KENEALY, OWNERS

**ISSUE:** Special exception to construct a second story addition in the required west side yard setback.

---

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard (West)	7.75 ft*	5.40 ft	2.35 ft

---

\*Based on a building height of 23.25 feet to the eave line of the proposed second story addition facing the west side property line.

---

**BOARD OF ZONING APPEALS ACTION OF JUNE 14, 2007:** On a motion to approve by Mr. Hubbard, seconded by Mr. Goodale, the special exception was approved by a vote of 5 to 0.

Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Rob Brynes, architect, representing David and Jennifer Kenealy, owners, 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.

**BZA CASE #2007-0011**

(insert sketch here)

**I. Issue**

The applicants propose to improve their house at 23 West Myrtle Street by constructing a second story rear addition.

**II. Background**

The subject property is one lot of record with 42.33 feet of frontage facing West Myrtle Street and a depth of 100.00 feet. The property contains a total of 4,233 square feet of lot area. The property is noncomplying as to the minimum lot width and lot area for an R-5 single family lot where the minimum lot width is 50.00 feet and the minimum lot area is 5,000 square feet.



**23 West Myrtle Street**

The lot is developed with a two-story single family dwelling with open front porch located 12.50 feet from the front property line facing West Myrtle Street, 12.00 feet from the east side property line, 5.40 feet from the west side property line and 36.00 feet from the rear property line. As indicated on the submitted plat, the existing house is built within the required front and west side yards and in compliance with the required rear and east side yards. According to real estate assessments the house was constructed in 1928.

**III. Description**

The applicants propose to construct a second story rear addition on an existing one-story and open porch portion of the dwelling in line with the side walls of the existing house, 5.40 feet from the west property line and 12.00 feet from the east property line and 36.00 feet from the rear property line. Based on a building of 23.25 feet to the roof eave of the addition a setback of 7.75 feet is required from both side yards. A side yard exception of 2.35 feet from the west side property line is requested. Because the applicants are altering one noncomplying wall located within the required west side yard the project is eligible for a special exception.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements.

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

IV. **Master Plan/Zoning:** The subject property is zoned R-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential use.

V. **Requested Special Exception:**

3-406(A)(2) Side Yard (West)

The applicants request a special exception from the required side yard setback of 7.75 feet (based on a building height of 23.25 feet to the roof eave of the proposed second story addition facing the west side property line).

VI. **Noncomplying structure**

The existing building at 23 West Myrtle Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side(West)	7.75 ft*	5.40 ft	2.35 ft

\*Based on a building height of 23.25 feet to the eave line of the existing second story facing the west side property line.

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 must affirm in order to grant 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 substandard as to lot size and width, but similar to many other lots on the block and in the surrounding neighborhood. An inspection of the immediate neighborhood revealed several home 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 regulations currently permit.

The proposed second-story addition is modest in size and does not exceed the height of the existing second story or the footprint of the existing one-story portion of the home. The most affected property to the west, 25 West Myrtle Street, extends further towards the rear property line than the proposed addition, therefore, it is unlikely that the proposed addition will have a negative impact on light and air enjoyed by the adjacent property owners. The applicants have shown the plans to their neighbors and they do not object.



**Proposed location of addition**

The proposed addition is in character with the existing house and other houses in the neighborhood. Staff believes that the applicants' proposal 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.

Transportation and Environmental Services:

F-1 No comments.

Code Enforcement:

- C-1 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-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- 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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.

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.