

Docket Item #5
BZA CASE #2007-0013

Board of Zoning Appeals
June 14, 2007

ADDRESS: 122 S. FAIRFAX STREET
ZONE: R-M, RESIDENTIAL
APPLICANT: ANN AND CLAY PERFALL, BY ROBERT BENTLEY ADAMS,
ARCHITECT

ISSUE: Variance to construct a one-story addition on the north side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(A)(2)(a)	Side Yard(North)	5.00 ft	0.00 ft	5.00 ft

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

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

Speakers:

Robert Adams, architect, representing Ann and Clay Perfall, owners, made the presentation.

Staff **recommends approval** of the request because the applicants have 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.

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(insert sketch here)

I. Issue

On November 10, 2005, the Board of Zoning Appeals approved a variance to build a one-story bathroom and storage room addition located on the north side property line at 122 South Fairfax Street. Staff had also recommended approval of the requested variance. The proposed addition located on the north property line is partially screened by a brick wall facing the alley.

Due to personal reasons the applicants will not be able to commence construction within the one-year time limit for a variance. The variance expired on November 10, 2006. The applicants are resubmitting the exact plans that were filed before the Board of Zoning Appeals in 2005.

The Board unanimously granted the variance because the applicants had demonstrated a hardship due to the size of the lot.

The subject property is located on one lot of record containing 26.00 feet of frontage on South Fairfax Street and extends 114.00 feet to the rear lot line and totals 2,854 square feet. Two alleys abut the subject property, one alley along the north side property line and another alley abutting the rear property line. The existing three and one-half story brick dwelling with a two-story and one-story rear additions projects 1.20 feet over the property line facing South Fairfax Street, extends over the north side property line into the adjacent alley and shares a common party wall on the south with the adjoining residential dwelling at 124 South Fairfax Street.

II. Background

The proposed one-story side yard addition measures 6.00 feet by 9.00 feet by 9.75 feet in height from grade to the top of the shed roof and totals 56.00 square feet. The new addition is located on the north side property line facing an alley and is partially screened by a brick wall. Upon completion of the renovations and new construction the property will continue to comply with the allowable floor area and open space requirements.

The subject property qualifies as a lot of record as of February 10, 1953 when located in the RM zone. The RM zone states that each residential lot which is at least 25.00 feet but less than 35.00 feet wide shall provide one side yard of a minimum of 5.00 feet. The subject lot is 26.00 feet. The subject lot narrows to 24.00 feet where the proposed one-story addition will be constructed. Under the RM zone regulations, if the lot was less than 25.00 feet in width, no side setback is required. However, because the required setback is taken based on the width of the lot facing South Fairfax Street, the applicants must obtain a variance to build on the north side property line.

The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed new addition will require approval of a Permit to demolition and capsulate and a Certificate of

Appropriateness by the BAR. Staff believes the addition will not be very visible from the public right-of-way, and that the size and scale is appropriate for the property. For the BAR review, the petitioner should provide further photographs that show what the views of the location of the addition are from the rear alley.

III. Staff Conclusion

Staff has attached the report of the prior variance request (BZA Case#2005-0064). Staff confirms the same analysis and recommends reapproval.

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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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 According to Ethelyn Cox's *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot was constructed by 1796 by Jonah Thompson. It was listed as being damaged in the 1827 fire. The property therefore has the potential to yield archaeological resources that could provide insight into residential life in early Alexandria.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 Contact Alexandria Archaeology (703-838-4399) two weeks prior to any ground disturbing activity (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of The Zoning Ordinance) on this property. City archaeologists will provide on-site inspections to record significant finds.
- R-3 The statements in R-1 and R-2 above must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

Board of Architectural Review:

- F-1 This project is located within the boundaries of the Old and Historic Alexandria District and under the purview of the Old and Historic Alexandria Board of Architectural Review. The board approved a request for a Permit to Demolish and a Certificate of Appropriateness for a new addition on December 7, 2005, with the following condition:

That the following statement appear in the General Notes of the site plan so that on-site contractors are aware of the requirement:

Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, well, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

The current application appears to be a resubmittal to BZA due to the expiration of the approvals for BZA and BAR.

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.