

Docket Item #7  
BZA CASE #2006-0051  
(Amendment)

Board of Zoning Appeals  
July 12, 2007

**ADDRESS:** 3819 ELBERT AVENUE  
**ZONE:** RB, RESIDENTIAL  
**APPLICANT:** DAVID AND JILL FORBES, OWNERS

**ISSUE:** Amendment to an approved special exception to extend a second story noncomplying wall that was previously approved under a special exception in the required side yard setback.

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| CODE SECTION | SUBJECT           | CODE REQMT | APPLICANT PROPOSES | REQUESTED EXCEPTION |
|--------------|-------------------|------------|--------------------|---------------------|
| 3-706(2)(a)  | Side Yard (North) | 8.00 ft*   | 4.70 ft            | 3.30 ft             |

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\* Based upon a building height of 20.00 feet to the eave line of the roof facing the north side yard.

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The staff **recommends approval** of the special exception amendment.

If the Board decides to grant a special exception, it should contain the conditions under the department comments. A special exception 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.

**BOARD OF ZONING APPEALS ACTION OF JULY 12, 2007:** On a motion to approve by Mr. Hubbard, seconded by Mr. Zander, 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:

Jill and David Forbes, owners, made the presentation.

Gale Nemeč, neighbor at 3812 Elbert Avenue, spoke in support



**I. Issue**

The applicant proposes an amendment to an approved special exception to extend a noncomplying wall to extend the second floor over a proposed first floor enclosed porch at 3819 Elbert Avenue.



**II. Background**

On January 11, 2007, the BZA board approved a special exception to construct a second story addition and sunroom in a required side yard setback with the condition that the applicants consolidate two lots. See attached BZA case # 2006-00051. On February 2, 2007, the City released a building permit (BLD2007-0007) to permit the applicants to building the second-story addition and sunroom pursuant to approved special exception. The work on the house is currently underway.

On May 23, 2007, the applicant submitted revisions to extend the second story addition over the previously approved porch to create a home office space. No certificate occupancy has been issued nor have final inspections been signed off by the City. Because the work on the house in now underway and not final inspections have been issued, staff has determined that the applicants could file an amendment to the approved special exception to building the second floor home office space.

**III. Description**

The applicant proposes to expand the existing second floor rear room that measures 8.00 feet by 15.00 feet and will total approximately 120 square feet. The second floor space and newly raised roof measure approximately 20.00 feet in height from grade to the new roof eave and will be consistent with the height of the existing structure.

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

**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 is identified in the Potomac West Small Area Plan.

**V. Requested Special Exception**

3-706(2)(a) Side Yard, (North):

The applicants request an amendment to an approved special exception from the required 8.00 feet side yard requirements, based on a building height of 20.00 feet. At the closest

point, the existing north building wall is 4.70 feet from the property line. The proposed second floor extension will continue to be 4.70 feet from the north side property line. The applicants request a special exception of 3.30 feet.

**VI. Noncomplying structure**

The existing building at 3819 Elbert Avenue is a noncomplying structure with respect to the following.

| <u>Yard</u>  | <u>Required</u> | <u>Existing</u> | <u>Noncomplying</u> |
|--------------|-----------------|-----------------|---------------------|
| Side (North) | 8.00 feet       | 4.70 feet       | 3.30 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 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**

Staff concludes that the modest second floor expansion is in keeping with existing architecture and compatible with the surrounding neighborhood development. The extended second story is still less in linear feet than the adjacent property to the north that is most affected by this amendment.

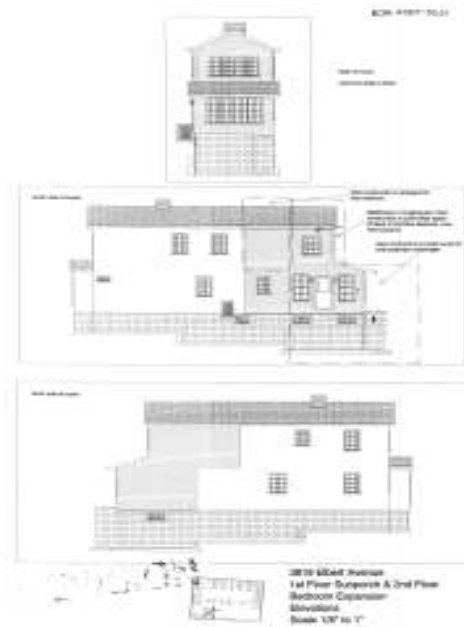
**BZA CASE #2006-0051**

The proposed improvement is supportable under previously approved special exception and if this application was originally filed in January 2007, staff would continue to recommend approval of the special exception at that time.

Staff **recommends approval** of the requested special exception amendment.



**Previously Approved Special Exception**



**New Request for Expansion**

**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 details 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.
- C-7 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 amendment.

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.