

Docket Item #2
BZA CASE #2007-0020

Board of Zoning Appeals
September 13, 2007

ADDRESS: 2604 TERRETT AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: TIMOTHY AND BLANCA SCHNELLE, BY NEIL ELMS, ARCHITECT

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

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A) (2)	Side Yard (North)	7.33 ft*	5.20 ft	2.13 ft

* Based on a building height of 22.00 feet to the mid-point of the gable roof facing the north side property line.

BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 13, 2007: On a motion to approve by Mr. Lantzy, seconded by Mr. Lewis, 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:

Neil Elms, project designer, made the presentation.

BOARD OF ZONING APPEALS ACTION OF JULY 12, 2007: On a motion to defer by Mr. Lantzy, seconded by Mr. Zander, the special exception was deferred by a vote of 6 to 0.

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.

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(insert sketch here)

I. Issue

The applicants propose to construct a second story addition above the footprint of the existing one-story house and return an enclosed front porch to its original open covered condition at 2604 Terrett Avenue. Because the existing north building wall currently projects into the required side yard, the applicants must obtain a special exception to build in line with the home's north building wall facing the north side property line. The new second story as measured from the front covered open porch complies with the prevailing front setback facing Terrett Avenue.

II. Background

The subject property, two lots of record, has 50.00 feet of frontage facing Terrett Avenue, a depth of 121.00 feet and totals 6,050 square feet. The subject lot is not substandard for an R-2-5 zone interior lot where the minimum lot size is 5,000 square feet.

The existing one story wood frame bungalow dwelling is located 16.20 feet from the front property line facing Terrett Avenue, 5.20 feet from the north side property line, 19.10 feet from the south side property line and approximately 76.40 feet from rear property line. An existing driveway parallels the house along the south side property line. Real estate assessment records indicate the house was constructed in 1930.

As indicated on the submitted plat, the existing house is built within the required north side yard. The existing house complies with the required front yard, south side yard and rear yard setback.

III. Description

The applicants propose to construct a second story above the footprint of the existing house and reopen an enclosed front covered porch. The applicants are enlarging their house now at 1,205 net square feet to 2,206 net square feet (adding 1,001 square feet). The zoning allows the applicants to build 2,722 net square feet. The new second story will align with the existing building walls. The new second-story measures approximately 26.30 feet by 28.40 feet. The new two-story house will be a gable end style roof and will measure 22.00 feet from grade to the mid point of the gable roof facing the north side property line and 25.25 feet in height to the top of the roof facing the east front property line. The proposed second floor will accommodate a two bedrooms, sitting area, bathroom and closets. The new second floor will be located 5.20 feet from the north side property line and 19.10 feet from the south side property line. The proposed rear one-story covered open porch measures approximately 15.00 feet by 22.00 feet and is located in compliance with the north side yard, south side yard and rear yard setbacks.

Because the applicants are altering one noncomplying wall located within the required north side yard the project is eligible for a special exception. Upon completion of the work the property will continue to comply with the maximum floor area.

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There have been no prior variances or special exceptions applied for or approved for the subject property.

IV. Master Plan/Zoning: The subject property is zoned R-2-5 residential 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.

V. Requested Special Exception:

Section 3-506(A)(2) Side Yard, (North)

The applicants request a special exception from the required minimum side yard requirement of 7.00 feet or one third the building height whichever is greater. The proposed second-story projects into the required north side yard. The existing building foot print is located approximately 5.20 feet from the north side property line. Based upon a building height of 22.00 feet to the mid point of the gable roof, the applicants request a special exception of 2.13 feet.

VI. Noncomplying Structure

The existing building at 2604 Terrett Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (North)	7.00 feet	5.20 feet	1.80 feet

VII. Special Exception 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 believes exists and thus warrants granting 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 similar to other single-family lots along Terrett Avenue. An inspection of the immediate neighborhood revealed homes are characterized as one, one and one-half stories and a few two-story homes located within 25.00 feet from the front property line facing Terrett Avenue. Construction of the new second floor will have an impact on the immediate neighbor at 2606 Terrett Avenue and could reduce light and air enjoyed by the neighboring property. However, in this case, based on Sanborn maps the neighbor's house at 2606 Terrett Avenue a two-story semi-detached dwelling is approximately 17.00 feet from the applicants' common north property line and 22.20 feet from their building. The R-2-5 zone requires a minimum of 7.00 feet to a common side property line.

The location of the neighbor's house to the applicants' building affords a reasonable distance to reduce the impact of the proposed second floor on their light and air. In fact, the neighbors at 2606 Terrett Avenue have been shown the proposed plans and propose to submit a letter of support of the applicants' request. Upon completion of the work, the proposed house will be comparable in height to the two houses located to the north and south of the property. The proposed roof pitch will be comparable as well. The renovated house will not appear out of character architecturally nor overshadow the adjoining properties as to building mass and building height. Staff, however, believes from the street the new second floor will change the architectural character of the house as compared to the other homes on the block, but will be more consistent with the neighborhood architecture and building height.

Staff believes that the applicants' property meets the test for a special exception, because the new construction will be consistent with other two-story dwellings within the neighborhood. The proposed design with the recommended staff change, when viewed from the street, does not unduly effect existing conditions on the lot nor impact the neighborhood's architectural character.

Staff **recommends approval** of the request for special exception.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

- * The applicant is advised that if the special exception is approved the following additional comments apply.

Transportation and Environmental Services:

R-1 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.

R-2 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)

R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)

R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)

- R-6 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 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 special exception.

Historic Alexandria (Archaeology):

- F-1 No significant ground disturbance is involved in 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.