

Docket Item #7  
BZA CASE #2007-0029

Board of Zoning Appeals  
October 11, 2007

**ADDRESS:** 214 A NORTH PITT STREET  
**ZONE:** RM, RESIDENTIAL  
**APPLICANT:** WILLIAM CROMLEY, OWNER

**ISSUE:** Special exception to construct a two-story addition on the rear west property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-1106(A)(3)	Rear Yard	16.00 ft	0.00 ft	16.00 ft

**BOARD OF ZONING APPEALS ACTION OF OCTOBER 11, 2007:** On a motion to approve Mr. Allen, seconded by Mr. Hubbard, the special exception was approved by a vote of 6 to 0.

Reason: The application met the criteria for a special exception.

Speakers:

Duncan Blair, attorney, made the presentation.

Bob Webster, resident at 304 South Lee Street, owner of 208 North Pitt Street, spoke in support.

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 applicant proposes to convert an existing detached two-bay garage structure to a single-family dwelling and construct a two-story addition in line with the existing structure at 214-A North Pitt Street. The new addition will be built on an area used for surface parking and located on the rear west property line.

**II. Background**

The subject property is an existing outlot measuring 66.49 feet wide by 30.00 feet in depth and totals 1,728 square feet. The outlot is bordered by gravel alleys with access from North Pitt Street. A two-story brick garage outbuilding occupies the property and is located 32.00 feet from the north side property line, on the south side property line, 13.60 feet from the east side property line and on the rear west property line. The current building is 20.40 feet by 34.00 feet and is now used for garage parking for two vehicles and storage. The northern portion of the lot is used for surface parking. An ingress and egress easement diagonally bisects the front of the lot providing driveway access to the rear of the property at 511 Cameron Street.

The one-and-one-half story shed-roofed brick outbuilding located in the alley between the 200 blocks of Pitt and St. Asaph Streets appears to have been constructed prior to 1877. A building with a similar footprint appears on the 1877 Hopkins Atlas. Historic mapping indicates that from 1877 onward, the brick building had frame appendages to the north. Historically, the building and lot were associated with 509 Cameron Street and probably served as a stable for that residence. According to Ethelyn Cox in Historic Alexandria Street by Street, the two story gable-roofed brick house at 509 Cameron Street was constructed by William Pomeroy circa 1803. By 1921, the Sanborn mapping shows the building used as an automobile garage. The frame appendages were removed sometime between 1921 and 1941. By 1941, the property is associated with the house at 206 North Pitt Street.

The building is located within the Old and Historic Alexandria District. The proposed project to renovate and build a two-story addition will require approval of a permit to demolish/capsulate and a certificate of appropriateness from the Board of Architectural Review.

Section 3-1108(B) of the zoning ordinance states any RM zoned lot of record on February 10, 1953 which does not comply with the lot area or width regulations of the RM zone may be developed with a single-family residence with accessory structures. The subject property is a lot of record as of February 10, 1953, and is thus eligible for development as a single-family dwelling. The RM zone requires a minimum lot area of 1,452 square feet for a single-family dwelling; the subject lot totals 1,728 square feet.

**III. Description**

Based upon the preliminary drawing, the existing building footprint will be renovated with two floors of living space and an attached garage. A covered open porch will extend from the first floor facade in line with the attached garage.

Directly north of the main structure, the applicant proposes to build a two-story addition that measures 19.50 feet by 20.40 feet totaling approximately 796 square feet. The overall height of the new addition to the eave line of the roof is approximately 21.00 feet (consistent with the existing building height). The new addition will align with the existing rear building wall which is on the west rear property line and 12.50 feet from the north side property line. A rear yard setback of 16.00 feet is required facing the west rear property line. The new addition complies with the 5.00 feet side yard requirement facing the north property line. The applicant requests a special exception to reduce the rear yard requirement of 16.00 feet to 0.00 feet allow the wall of the addition to be placed on the west rear property line consistent with the existing structure's west building wall.

Based upon the property's lot size, the maximum square footage allowed is 2,592 square feet. Upon completion of the work, the residential building will total 2,178 square feet. The proposed renovations comply with the floor area and open space requirements and the requirement of two off-street parking spaces (in the garage and a surface space. In the RM zone the surface parking space can be counted towards required open space. (Refer to floor area and open space calculations.)

Design issues are not being addressed as part of this review, anticipating that those issues will be addressed as part of the required Board of Architectural Review applications.

No variances or special exceptions have been previously granted for the subject property. A special exception to add additional parking bays was withdrawn prior to the BZA hearing.

**IV. Master Plan/Zoning** The subject property is zoned RM, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in adopted Old Town Small Area Plan.

**V. Requested Special Exception**

Section 3-1106(A)(3), Rear Yard

The applicant requests a special exception from the 16.00 feet required rear yard setback facing the west property line. The applicant proposes to construct a two-story addition on the west property line consistent with the existing building west building wall. The applicant requests a rear yard reduction of 16.00 feet.

**VI. Noncomplying Structure**

The existing building at 214 A North Pitt Street is a noncomplying structure with respect to the following.

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncomplying</u>
Side (South)	5.00 ft	0.00 ft	5.00 ft
Rear (West)	16.00 ft	0.00 ft	16.00 ft

**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 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 property's characteristics and building location are not applicable to other properties within the immediate neighborhood. There are no other similar lots in the immediate neighborhood. The property's location as an outlot bordered on three sides by alleys and a public parking on the west is unique and contributes to conditions that unreasonably restrict the enlargement of the existing building

To construct a building addition in line with the existing structure cannot be done without the approval of a special exception. The depth of the new addition is approximately 20.00 feet to 22.00 feet. Requiring 16.00 feet rear yard setback for the new addition

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(shown as 21.00 feet), the subject lot would have to be approximately 38.00 feet wide. The subject lot is only 30.00 feet wide. The new addition could be built on the east property line. In this case, only 9.00 feet of setback from the rear property line would be provided which is insufficient to comply with the rear yard setback requirement.

The proposed addition represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot and the existing development on the lot.

There is no other remedy or relief that exists to allow for the proposed improvements. The zoning ordinance requirement of a rear yard setback of 16.00 feet does create a hardship on this property. The granting of the special exception for the rear yard setback will not be detrimental to the adjacent properties or the neighborhood nor diminish or impair the value of adjoining properties. The building currently faces a public parking lot to the west. Some would agree, the restoration of the property can be perceived as a positive contribution to the neighborhood. Granting of the special exception will not impair light and air to the adjacent property nor alter the character of the area. Given the following conditions, staff believes the property meets the criteria for a special exception.

Staff therefore **recommends approval** of the 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 An approved Plot Plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time. A Plot Plan will be required if construction of the proposed addition:
- Results in a new building footprint that exceeds the area of the existing building footprint by 100% or more.
  - Results in less than 50% of the existing first floor exterior walls, in their entirety, remaining. The walls must comprise the footprint of the existing building and shall be measured in linear feet. The remaining walls must remain as exterior walls. The definition of a first floor exterior wall is that it must have its finished floor surface entirely above grade.
  - Results in land disturbance associated with the project of 2,500 square feet or greater in area. The disturbed area will be determined by adding a minimum of 10' to the perimeter of the building (or addition) footprint and calculating the area within the increased perimeter. In addition, a 10 foot wide access path from the edge of the disturbed area to the street or paved driveway must be included in the disturbed area calculation. Provision must be made for stockpile, staging, dumpsters and material storage areas within the limits of disturbance.
  - Changes to existing grade elevation of 1-foot or greater.
  - Changes to existing drainage patterns.
- R-1 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-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)

- R-4 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)
- 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 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (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 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- 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 trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 Tax records from 1810 indicate that a portion of this block may have been a garden plot for the Marsteller estate, but the exact location is not known. By 1850, the documents indicate that there were structures facing the alley adjacent to this property. Some of these were occupied by African Americans, but the precise locations of these free black households are unknown. The property therefore has the potential to contain archaeological resources that could provide insight into residential life in 19<sup>th</sup>-century Alexandria, perhaps relating to free African Americans.
- R-1 The applicant/developer shall 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 The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-3 The statements in 1 and 2 above shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

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.