

Docket Item #2  
BZA CASE #2007-0030

Board of Zoning Appeals  
November 8, 2007

**ADDRESS:** 1013 ORONOCO STREET  
**ZONE:** RB, RESIDENTIAL  
**APPLICANT:** TOM KERR, OWNER

**ISSUE:** Reapproval of variances to construct a rear addition in the required east and west side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(A)(2)	Side Yard (West)	8.00 feet	0.00 feet	8.00 feet
3-706(A)(2)	Side Yard Setback (East)	8.00 feet	6.00 feet	2.00 feet

**BOARD OF ZONING APPEALS ACTION OF NOVEMBER 8, 2007:** On a motion to approve by Mr. Allen, seconded by Mr. Hubbard, the variance was reapproved by a vote of 6 to 0.

Reason: The Board agreed with the staff analysis that the applicant had demonstrated a hardship due to the narrowness of the lot.

Speakers:

Tom Kerr, owner, made the presentation.

Staff **recommends reapproval** of the variances with the following condition that an updated easement is executed with the adjoining property owner(s) at 1015 Oronoco to allow the proposed addition to be built within the easement area.

If the Board decides to grant a variance, it should also 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.

(insert sketch here)

**I. Issue**

On November 9, 2006, the Board of Zoning Appeals approved variances to construct a two-story rear addition with a basement at 1013 Oronoco Street, reducing the required west side yard to 0.00 feet and the required east side yard to 6.00 feet. The applicant was unable to commence construction within one year and the approval has expired. The applicant requests reapproval of variances.

**II. Background**

The subject property, a single family detached lot, is 20.00 feet wide facing Oronoco Street, 120.00 feet deep and totals 2,400 square feet of lot area. The minimum lot size in the RB zone is 1,980 square feet. The subject property is substandard with respect to lot width and frontage. The RB zone requires single family detached lots have a minimum lot width and frontage of 50.00 feet.

The subject property contains a one foot wide maintenance easement running the length of the western property line. The applicant has a verbal agreement with the owners of 1015 Oronoco Street to build on this easement, however a new easement must be executed to allow this new construction.

The existing two-story single family detached house is located 8.00 feet from the front property line facing Oronoco Street, abuts the house to the west at 1015 Oronoco Street, is 8.00 feet from the east property line and is 76.00 feet from the rear property line. The subject property currently provides approximately 1,900 square feet of open space. The house is currently considered legally non-complying with respect to the side yard setback requirement on the west side. Historic Sanborn Fire Insurance mapping indicates that the two story, gable roofed frame house at 1013 Oronoco Street was present by at least 1902. The area was not mapped before 1902 and the house may pre-date 1902 by some years.

The existing house should be considered a contributing resource in the Parker Gray Historic District. The western end of the north side of the 1000 block of Oronoco Street is currently being studied for possible inclusion in a National Register nomination for the Parker Gray Historic District (The boundaries of the locally designated district will be reevaluated as part of the nomination process). The Parker Gray Historic district includes the entire south side and half of the north side of the 1100 block of Oronoco Street up through 1007 Oronoco Street. There does not appear to be any logical reason for excluding the western end of the block face as it contains resources that are comparable in date and quality to the other buildings on the 1000 block and elsewhere in the district.

The existing house should be considered a contributing resource in the Parker Gray Historic District. The Parker Gray District is characterized by modest dwellings from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Generally two story and frame construction these buildings housed working- and middle-class families, largely African American, and formed the basis of the community once known as “Uptown.” The house at 1013

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Oronoco Street is an example of the more modest of house types of the period and is unusual for its gable, rather than flat, roof.

**III. Description**

As shown on the submitted plans, the applicant proposes to build a two-story addition with basement, measuring 42.50 feet by 13.75 feet and totals 536.75 square feet. The addition will accommodate a new kitchen and living room on the ground floor and a new master bedroom suite on the second floor.

The RB zone requires two side yard setbacks of 8.00 feet each for the addition that is proposed. The current design will abut the adjoining property at 1015 Oronoco to the west and provide 6.00 feet of setback from the property line to the east. The addition will be located in compliance with the required rear yard, 32.00 feet from the rear property line.

On October 10, 2002, and again on November 9, 2007 the Board of Zoning Appeals granted side yard variances to the applicant to build a two-story rear addition. (Refer to attached BZA Cases #2002-0082 and 2006-0048). In approving the variances the Board agreed with the staff analysis that the narrowness of the lot and the required setbacks constituted a legal hardship.

The applicant did not commence construction of the addition within the one year time limit for the variances. The variances have expired. The applicant seeking reapproval of the variances granted on November 9, 2007.

**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 identified in the Braddock Road Metro Station Small Area Plan for residential land use.

**V. Requested variances  
Section 3-706 (A) (2)**

The applicant requests variances from the 8.00 feet side yard setbacks required on the east and west sides of the property. The existing setbacks are 8.00 feet on the east and 0.00 feet on the west. The applicant requests a variance of 2.00 feet facing the east side property line and a variance of 8.00 feet facing the west side property line.

**VI. Staff analysis under criteria of section 11-1103**

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

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- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

**VII. Applicant's Justification for Hardship**

The applicant states that the requirement to provide two 8.00 feet setbacks on a lot that is 20.00 feet wide negates his ability to put an addition on his house to provide amenities considered standard in today's real estate market.

**VIII. Staff Analysis**

Staff agrees a legal hardship exists for the applicant. To apply two side yard setbacks totaling 16.00 feet on a 20.00 feet wide lot is unreasonable leaving only 4.00 feet of buildable width on the lot for an addition.

Based upon the above finding, staff **recommends reapproval** of the variance.

**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 must be attached to the building permit application. The Plot Plan is required because the submitted documentation indicates that the area of the new building footprint exceeds the area of the existing building footprint by more than 100%.  
In general, a Plot Plan is required when construction of a 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. (TES)
- 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.]. (TES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (TES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (TES)

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- 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. (TES)
- 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. (TES)
- 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. (TES)

Code Enforcement:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-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 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-6 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided.
- C-7 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-8 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.

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- C-9 Roof drainage must not run toward adjacent property. If the footprint area of the addition: (1) exceeds the footprint area of the existing structure, or (2) the roof drainage of the existing structure is hard piped, or (3) the roof drainage from the addition will cause erosion or damage to an adjacent property, then run-off water must be hard piped (schedule 40 PVC pipe;  $\geq 3$ " in diameter) to the storm, sewer, inlet box, building sub drain, street flume or curb.
- C-10 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C-11 A soils report must be submitted with the building permit application.
- C-12 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-13 Handrails must comply with USBC 1009.11.

Recreation (Arborist):

- F-1 No specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by 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.