

Docket Item #1
BZA CASE #2007-0036

Board of Zoning Appeals
December 13, 2007

ADDRESS: 14 WEST OAK STREET
ZONE: R-5, RESIDENTIAL
APPLICANT: BARRY & MELISSA BENNETT, OWNERS, BY ROBERT BYRNES

ISSUE: Special exception to construct a second story screened porch 6.8 feet from the west side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard (West)	7.43 feet*	6.80 feet	.63 feet

*Based on a building height of 23.00 feet to the midpoint of the gable facing the west side yard.

BOARD OF ZONING APPEALS ACTION OF DECEMBER 13, 2007: On a motion to approve by Mr. Lantzy, seconded by Mr. Allen, the special exception was approved by a vote of 6 to 0. Mr. Goodale had not arrived.

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

Speakers:

Robert Byrnes, architect, made the presentation.

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 screened porch addition above an existing sunroom.

II. Background

The subject property is one lot of record with 50.00 feet of frontage facing West Oak Street and a depth of 133.02 feet along the east side property line and 133.22 feet along the west side property line. The property contains a total of 6,656 square feet of lot area. The property complies with the minimum lot area, frontage and width in the R-5 zone.



The lot is developed with a two-story single family dwelling located 34.70 feet from the front property line facing West Oak Street, 6.80 feet from the west side property line, 4.00 feet from the east side property line and 45.00 feet from the rear property line. As indicated on the submitted plat, the existing house is built within the required east and west side yards. Based on the existing building height of 10.50 feet to the roof eave, the minimum setback of 7.00 feet is required from the west side property line. Based on a building height of 24.00 to the midpoint of the gable roof a setback of 8.00 feet from the east side property line is required. The existing dwelling is in compliance with the required front and rear yards. A 12.00 feet by 18.00 feet garage is located on the property, in compliance with all required yards. According to real estate assessment records the house was constructed in 1929.

III. Description

The applicants propose to construct a second-story screened porch addition above an existing sunroom with roof top deck 6.80 feet from the west side property line and 37.00 feet from the front property line. The proposed screened porch is in line with the existing sunroom and deck below. Based on a building height of 23.00 feet to the midpoint of the screened gable roof facing the west property line, a setback of 10.00 feet is required and provided. Based on a building height of 23.00 feet to the midpoint of the gable roof facing the west side yard a setback of 7.43 feet is required. A side yard exception of .63 feet from the west side property line is requested. Because the applicants are altering one noncomplying plane located within the required west side yard, the project is eligible for a special exception.

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

There have been no variances or special exceptions previously granted for the subject property.

IV. Master Plan/Zoning: The subject property is zoned R-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in Potomac West Small Area Plan and is identified for residential land use.

V. Requested Special Exception:
3-406(A)(2) Side Yard (West)
 The applicants request a special exception from the required west side yard setback of 7.43 feet (based on a building height of 23.00 feet to the midpoint of the gable roof of the proposed second-story screened porch facing the west side property line).

VI. Noncomplying structure
 The existing building at 14 West Oak Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (West)	7.00 feet*	6.80 feet	.20 feet
Side (East)	8.00 feet**	4.00 feet	4.00 feet

*Based on a building height of 10.50 feet to the roof eave line of the existing one-story portion of the dwelling facing the west side property line.

**Based on a building height of 24.00 feet to the midpoint of the gable roof facing the east side property line.

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.

4. Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.

5. 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.
6. Whether approval of the special exception will alter the essential character of the area or the zone.
7. Whether the proposal will be compatible with the development in the surrounding neighborhood.
8. 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

An inspection of the immediate neighborhood revealed that many homes appear to be built closer to the side property lines than the zoning regulations currently permit. The proposed second story screened porch is in character with the neighborhood.

The proposed second story screened porch does not exceed the height of the existing dwelling and is in line with the west side wall. The applicants wish to enclose the existing roof cover and screen the existing roof deck to make it usable during more of the year. Because the porch will be screened and not a fully enclosed addition it is not likely that it will negatively impact the light and air the adjacent property to the west.

Therefore, staff **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 No comments.

Code Enforcement:

- C-1 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-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-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.

Recreation (Arborist):

F-1 No 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.