

Docket Item # 3
BZA CASE #2007-0038

Board of Zoning Appeals
December 13, 2007

ADDRESS: 1004 PENDLETON STREET
ZONE: CSL, COMMERCIAL
APPLICANT: MICHAEL WHITLOW, CONTRACTOR

ISSUE: Special exception to enclose an existing one-story covered porch, construct a second story addition above the existing covered porch and construct a one-story screened porch with roof deck 3.95 feet from the east side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
4-206(A)(2)(a)	Side Yard (east)	8.00 ft	3.95 ft	4.05 ft

BOARD OF ZONING APPEALS ACTION OF DECEMBER 13, 2007: On a motion to approve by Mr. Goodale, seconded by Ms. Lewis, the special exception was approved by a vote of 7 to 0.

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

Speakers:

Michael Whitlow, contractor, made the presentation.

Staff **recommends approval** of 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.

(insert sketch here)

I. Issue

The applicant proposes to enclose an existing one-story covered porch, construct a second story addition above the covered porch and construct a one-story screened porch with roof deck 3.95 feet from the east side property line for the property at 1004 Pendleton Street.

II. Background

A two-story semi-detached dwelling occupies the subject property and is located on the front property line facing Pendleton Street, less than 3.95 feet from the east side property line and 90.50 feet from rear building wall to the north rear property line. A public alley 10.00 feet wide abuts the property along its south property line. Real Estate Assessment records indicate the house was built in 1880.

The subject property is one lot of record with 21.15 feet of lot width facing Pendleton Street and a depth of 120.00 feet and a lot area of 2,538 square feet.

III. Description

The applicant seeks a special exception to enclose an existing one-story covered porch, construct a second story addition above the covered porch and construct a one-story screened porch with roof deck 3.95 feet from the east side property line. The proposed one-story screened porch measures 9.00 feet by 15.08 feet and totals 135.72 square feet. The proposed second story addition measures 3.75 feet by 16.00 feet and totals 60 square feet. Upon completion of proposed work, from grade to the top of the highest point of the flat roof, the building will have an overall height of 11.00 feet. The one-story screened porch addition will be located 5.50 feet from the east side property line.

This project is located within the boundaries of the Parker-Gray Historic District and under the purview of the Parker-Gray Board of Architectural Review. The applicant is requesting a special exception to enclose an existing one-story covered porch along the east side of the house, construct a second story addition above the covered porch, and construct a one-story screen porch with roof deck at the rear, 3.95 feet from the east side property line. In staff's opinion, the proposed enclosure and new addition are minimal and appear to only impact a later addition. From the survey provided, it appears the addition will only be minimally visible from Pendleton Street, if at all. Due to existing fencing to the rear of the property, the addition will be probably only minimally visible from this view. If the special exception is granted, the applicant is reminded that the demolition and encapsulation and the addition and alterations will need to be reviewed and approved by the Parker-Gray Board of Architectural Review.

Upon completion of the proposed addition the property will continue to comply with required floor area and open space.

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

IV. Master Plan/Zoning

The subject property is zoned CSL and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Braddock Road Metro Small Area Plan for commercial and residential land use.

V. Requested Exception

Section 4-206(A)(2)(a): Side yard

The CSL zone requires a side yard setback of 8.00 feet or one-third the building height whichever is greater. The proposed enclosed porch and second floor addition will be located 3.95 feet from the east side property line. The rear one-story addition will be located 5.50 feet from the east side property line. Based on a building height of 18.4 feet to the eave line of the roof, a side yard setback of 8.00 feet is required. The applicant requests a reduction of 4.05 feet facing the east side property line.

VI. Noncomplying structure

The existing building at 1004 Pendleton is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (East)	8.00 ft	3.95 ft	4.05 ft
Frontage	26.00 ft	21.15 ft	4.85 ft

IV. 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

This case meets the requirements for a special exception. The narrowness of the lot precludes any physical expansion of the existing building as the zoning ordinance requirement of a side yard of 8.00 feet renders a reduced buildable area. The side yard requirement of 8.00 feet on a 21.15 feet wide lot results in only a 13.15 feet of building width on the lot. For townhouse dwellings, interior end lots in the CSL zone are required to provide a minimum of 26.00 feet of frontage, thus the eight foot side yard requirement is intended to maintain setbacks on larger residential lots than the subject property. Additionally, should the special exception be granted, the property will continue to meet FAR and open space requirements. The narrowness of the lot and the lack of adverse public impact sufficiently support the qualifications for a special exception in this case.

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 Historic maps indicate that this property is part of a block that was a free African American neighborhood in the 19th century. The property therefore has the potential to yield archaeological resources that could provide insight into residential life in 19th-century Alexandria.

- 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 Conditions 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, Landscaping, Utilities, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.
- R-4 If this project is a federal undertaking or involves the use of any federal funding, the applicant shall comply with federal preservation laws, in particular Section 106 of the National Historic Preservation Act of 1966. The applicant will coordinate with the Virginia Department of Historic Resources and the federal agency involved in the project, as well as with Alexandria Archaeology.

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.